

**NEW MEXICO  
DEPARTMENT OF TRANSPORTATION**

**TRANSPORTATION COMMISSION MEETING**



**September 15, 2022**

**Sky City Casino Hotel  
7 Sky City Drive  
Acoma Pueblo, NM  
87034**

**NEW MEXICO STATE TRANSPORTATION COMMISSION**

**Sky City Casino Hotel  
7 Sky City Drive  
Acoma Pueblo, NM 87034  
September 15, 2022  
8:30 a.m.**

**Agenda**

- 1. Call to Order:** Walter G. Adams, Chairman
  - a. **Establish Quorum**
  - b. **Pledge of Allegiance**
- 2. Approval of Agenda:** Walter G. Adams, Chairman
- 3. Approval of Minutes:** Regular Meeting of August 18, 2022
- 4. Introductions:** Walter G. Adams, Chairman
  - a. **Elected Officials**
  - b. **Commission Members**
  - c. **NMDOT Executive Staff**
- 5. Welcoming Remarks:** Walter G. Adams, Chairman
- 6. Public Comment**
- 7. Presentation: Pueblo of Acoma Transportation:** Governor Randall Vicente, Pueblo of Acoma; and Denis Floge, Chief Executive Officer, Acoma Business Enterprises
- 8. Presentation of Quitclaim Deed to Pueblo of Acoma for transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (North of I-40), and Tracts 3-1-C and 3-4:** Lisa Vega, P.E., District Six Engineer, NMDOT
- 9. Presentation: Transportation, Economic Development, and Once-in-a-Generation Funding: Outlining the Greater Gallup Strategy:** Patty Lundstrom, Executive Director, Greater Gallup Economic Development Corporation; Michael Sage, Greater Gallup EDC and Evan Williams, NWNMCOG
- 10. District Six Update:** Lisa Vega, P.E., District Six Engineer, NMDOT
- 11. Staff Briefings**
  - a. **Secretary Report:** Ricky Serna, Cabinet Secretary, NMDOT
  - b. **FHWA Report:** Cindy Vigue, Division Administrator, FHWA
- 12. Finance Reports**
  - a. **Financial Status Update:** Mallery Manzanares, Administrative Services Director, NMDOT

- b. **Action Item: FY24 Budget Request:** Mallery Manzanares, Administrative Services Director, NMDOT
- c. **New Mexico Finance Authority (NMFA) Report:** Mark Lovato, Investment Manager, NMFA

**13. Action Item: Request to enter into a road transfer agreement with the City of Las Cruces for NM 188/NM 185:** Trent Doolittle, P.E., District One Engineer, NMDOT

**14. Adjournment**

# **Agenda Items 1-2**

1. Call to Order: Walter G. Adams, Chairman
  - a) Establish Quorum
  - b) Pledge of Allegiance
2. Approval of Agenda: Walter G. Adams, Chairman

# **Agenda Item 3**

Approval of Minutes:  
Regular Meeting of  
August 18, 2022

# **NEW MEXICO STATE TRANSPORTATION COMMISSION**

## **MEETING**

**Farmington Civic Center  
200 West Arrington Street  
Farmington, New Mexico 87401  
August 18, 2022**

The New Mexico State Transportation Commission (STC or Commission) held a regular meeting on August 18, 2022, at the Farmington Civic Center, Farmington, New Mexico. Chairman Adams called the meeting to order at 8:34 a.m. He asked for a roll call to establish a quorum. Mershawn Griego, Office of the Secretary, New Mexico Department of Transportation (NMDOT or the Department), proceeded to call the roll. Commissioners Bruce Ellis, Walter G. Adams and Thomas C. Taylor were present; Jennifer Sandoval participated via telephone

### **Approval of the STC Meeting Agenda**

**Chairman Adams asked for a motion to approve the STC meeting agenda; Commissioner Ellis made a motion to approve the agenda, as presented; Commissioner Taylor seconded; motion carried unanimously.**

### **Approval of the STC Minutes**

**Chairman Adams asked for a motion to approve the July 21, 2022 STC regular meeting minutes; Commissioner Taylor made a motion to approve the minutes; Commissioner Ellis seconded; motion carried unanimously.**

### **State Transportation Commissioners Present:**

Jennifer Sandoval, Vice-Chair, District One (via telephone)  
Bruce Ellis, Commissioner, District Two  
Hilma E. Chynoweth, Commissioner, District Three (absent with notice)  
Walter G. Adams, Chairman, District Four  
Thomas C. Taylor, Commissioner, District Five  
Charles Lundstrom, Secretary, District Six (absent with notice)

### **NMDOT Staff Present:**

Ricky Serna, Cabinet Secretary  
Justin Reese, Deputy Secretary, Business Support  
Rick Padilla, P.E., Executive Director of Highway Operations  
Jerry Valdez, Executive Projects Director  
Kenneth B. Baca, General Counsel  
NMDOT Staff

### **Elected Officials and Delegations Present:**

The Honorable Rod Montoya, New Mexico State Representative, District 1  
Steve Lanier, Chairman Pro Tem, San Juan County Commission, District 3  
Terri Fortner, Chair, San Juan County Commission, District 4  
The Honorable Nate Duckett, Mayor, City of Farmington  
The Honorable Cynthia Atencio, Mayor, City of Bloomfield  
Janis Jakino, Councilor, Farmington City Council, District 4  
Scott Eckstein, Councilor, Bloomfield City Council  
Mike Stark, County Manager, San Juan County  
Robert Mayes, City Manager, City of Farmington  
George Duncan, City Manager, City of Bloomfield  
Michael Heal, Police Chief, City of Aztec Police Department

### **Introductions**

Ricky Serna, Cabinet Secretary, NMDOT, acknowledged the elected officials and certain others in attendance. Thereafter, the STC Commissioners introduced themselves, and Secretary Serna introduced NMDOT Executive Staff.

## **Welcoming Remarks**

Chairman Adams thanked the City of Farmington for hosting the STC meeting, and meeting attendees for their participation. He then asked certain NMDOT staff members in attendance to introduce themselves.

Nate Duckett, Mayor, City of Farmington, welcomed the STC to Farmington and expressed his gratitude for its support of the Pinon Hills extension bridge project. Governor Michelle Lujan Grisham will be in Farmington tomorrow, August 19, 2021, to make a formal announcement about the project. He also thanked Paul Brasher, P.E., District Five Engineer, NMDOT.

## **Public Comment**

Michael Heal, Police Chief, City of Aztec Police Department, introduced several City officials. He thanked Justin Reese, Deputy Secretary, NMDOT, for his help in restoring funding (\$705,600) for the City's \$17.6 million arterial road project. He also thanked Commissioner Taylor for his continuing support on the project. The City anticipates the project will go out to bid in November. Chief Heal then thanked Paul Brasher, P.E., District Five Engineer, NMDOT; Sharon Cruz, TLP Coordinator, North Region Design, NMDOT; and the STC for its support and patience. He also asked for the STC's support in approving supplemental funding after the City moves the project through the Metropolitan Planning Organization (MPO) and onto the Department's Statewide Transportation Improvement Program (STIP).

Terri Fortner, Chair, San Juan County Commission, thanked the STC and NMDOT Executive Staff, and introduced certain San Juan County officials in attendance at the STC meeting. Chair Fortner recognized and thanked Commissioner Taylor for all he has done for San

Juan County. She also thanked Governor Michelle Lujan Grisham, NMDOT, and local legislators for their continued support of countywide transportation projects. The funding to complete the Pinon Hills bypass extension project will significantly benefit the community. Lastly, Chair Fortner discussed State Highway 173, between Aztec and Navajo Dam. She stated that it is in major need of repairs. It has narrow shoulders, blind hills and is almost washed out every time it rains heavily; consequently, it is extremely unsafe. She requested that NMDOT identify the road as a top priority for full improvement.

Janis Jakino, Councilor, Farmington City Council, asked for an update on the status of funding for resurfacing and repairs on NM 516 corridor between English Road and Country Club Drive. Paul Brasher, P.E., District Five Engineer, NMDOT, responded that the project is a priority and NMDOT will be working on it next spring.

David Sypher, P.E., Community Works Director, City of Farmington, expressed his gratitude to Commissioner Taylor, former Cabinet Secretary, Michael Sandoval, and Deputy Secretary, Justin Reese, for their assistance with the region's number one project which will eventually connect the Bloomfield Highway and NM 516. He echoed Councilor Jakino's comments regarding East Main and is glad to know the project is scheduled for this spring. He also expressed his appreciation for the Pinon Hills Boulevard project.

Jonah Begay, Navajo Nation Division of Transportation (NDOT), introduced himself and Marge Begay, Planning Department, NDOT. He commented regarding four projects: (1) Reconstruction of US 64 from Shiprock to the New Mexico/Arizona state line. NMDOT and the Navajo Nation are currently working on right of way for the project. He wants to make sure the Nation keeps things moving so the grant for the project doesn't expire. (2) NM 371 and Navajo

Route N36 safety project that both the Navajo Nation and NMDOT are contributing funds to. He asked for the STC's help in getting the project started. (3) He thanked NMDOT and the STC for the resurfacing of NM 264 from the New Mexico/Arizona state line to Window Rock. (4) To'hajiilee, a NDOT/NMDOT partnership project. He thanked NMDOT and the STC for funding and their involvement with the project.

Cynthia Atencio, Mayor, City of Bloomfield, thanked NMDOT and specifically, Paul Brasher, P.E., District Five Engineer, for striping on US 64 and US 550, and for the asphalt work on three main state highway intersections in Bloomfield. She also mentioned two other upcoming projects: (1) Bergin Lane, which is important because middle school students are walking where there are no sidewalks or storm water drainage. The area is prone to flooding, and it is a safety issue. (2) East Blanco Boulevard Bridge. Funding is needed to replace the bridge the City acquired that was formerly located on US 64, and owned by the state before the new road was built.

Jason Burns, Public Works Director, Eddy County, and Chairman, District Two Metropolitan Planning Organization (MPO), expressed concerns regarding Transportation Project Fund (TPF) funds that are being shored up. The MPO went through an extensive process to evaluate its projects and submitted them with District Two Engineer, Francisco Sanchez's recommendation. All of the projects that are being shored up have existing contracts that clearly state any overruns are the sole responsibility of the entities that funds are being awarded to. He believes the practice of shoring up is setting a dire precedent that will be very critical for the future of the TPF. By taking funding away from new projects to subsidize existing projects that are over budget and under-performing reinforces and awards further poor behavior and under-performance. He inquired about the limits of shoring up; what assurances are NMDOT going to get that the shored up funding is going to be expended responsibly and timely? Does NMDOT intend to shore

up shored up funding when over budget and under-performing projects continue to be over budget and under-performing? If it continues, it is an exponentially compounding problem that will essentially deplete the TPF. He thinks projects that need additional funding should come before their MPOs, be resubmitted, re-evaluated, re-recommended, and re-awarded with new contracts. There is a need to ensure that funding is distributed to entities that will expend funds responsibly and timely to projects that are actually shovel ready, and that have been prioritized using technical data, not opinions.

Chairman Adams discussed the history of the TPF and its steady funding increases over the years, including the permanent funding stream of \$40 million recently created by Representative Patricia Lundstrom.

Commissioner Ellis shares Mr. Burns' concerns. He has been contacted by State Representatives, who are concerned that projects are running over the amounts initially allocated. He stated Mr. Burns' concern is a concern we should all share. It is not just a District issue, it is a state issue that needs to be evaluated in order to identify and understand the risks to NMDOT and TPF projects. NMDOT and the STC need to establish a mechanism to continue projects in the pipeline and ensure that future projects can be funded and that tomorrow's money is not spent on today's commitments.

Ricky Serna, Cabinet Secretary, NMDOT, stated that he thinks NMDOT can immediately begin to address the issue of "under-performance". It is important to understand that there is a difference between shoring up, cost inflation, increased costs, and under-performance. NMDOT must treat under-performance related projects very differently. It must understand what the implications are to the local governments' capacity to do the projects and how it can help keep

them on track. NMDOT is looking at costs of goods and services differently from contractors that come to NMDOT and need more money because they don't have the capacity move the projects along the way they should. NMDOT will immediately make a commitment to essentially hold local governments accountable if they don't have the capacity to keep projects where they need to be. NMDOT needs to develop a way to better manage the progress of these projects.

Due to the rate of inflation and construction and maintenance costs, NMDOT needs both immediate and long-term solutions. Accordingly, NMDOT is thinking creatively about what can be done legislatively to address the issue.

George Duncan, City Manager, City of Bloomfield, commented that he has recently noticed a lot of people traveling cross country on bicycles. Some are road bicyclists, some may be bikepacking and using a combination of state highways, county roads, city streets, and trails. He believes that road improvements need to be made, such as cleanliness, litter pickup and sweeping broad or wide shoulders to increase safety. He advocated for a better job to be done statewide to at least create safer venues on highways and right of way shoulders. He also mentioned the state highway (US 64 and US 550) intersections in Bloomfield where the asphalt is rolling up and creating dangerous conditions. He asked NMDOT to consider using other materials, perhaps concrete.

Brian Jones, Executive Director, Asphalt Pavement Association of New Mexico (APANM), reported that APANM and the Associated Contractors of New Mexico (ACNM) meet quarterly with NMDOT Executive Staff. They discuss issues of concern. An agreement regarding fuel costs was recently reached which is satisfactory to both NMDOT and the contractors. Mr.

Jones also discussed a new process for APANM's Best of New Mexico Paving awards. He encouraged NMDOT District Engineers as well as counties and cities to submit applications.

### **Approval of Governor Michelle Lujan Grisham's Appointment of Ricky Serna as Secretary of Transportation**

Kenneth Baca, General Counsel, NMDOT, presented and requested approval of Governor Michelle Lujan Grisham's appointment of Ricky Serna as Secretary of Transportation, and adoption of related STC Resolution No. 2022-07 (AUG). He explained that under NMSA 1978, Section 67-3-23, the Commission is required to consider for approval the Governor's appointment of the Secretary of Transportation. Further, Commission Policy 3, *Approval of Secretary*, specifically provides that upon the Governor's notice to the Commission of a person selected to be appointed as Secretary of Transportation, the Commission shall meet to discuss and vote its approval or disapproval. Mr. Baca then read proposed Resolution No. 2022-07 (AUG) aloud to the Commission.

**Chairman Adams asked for a motion to approve Governor Michelle Lujan Grisham's appointment of Ricky Serna as Secretary of Transportation, and adoption of STC Resolution No. 2022-07 (AUG); Commissioner Taylor made a motion to so approve; Commissioner Ellis seconded; motion carried unanimously.**

### **Four Corners Freight Rail Project**

Mike Stark, County Manager, San Juan County; Arvin Trujillo, CEO, Four Corners Economic Development; and Kevin Keller, Vice President, HDR Engineering, Inc., gave a

presentation entitled “*Freight Rail Line Feasibility Study San Juan County, New Mexico*”. Mr. Stark explained the Four Corners Freight Rail Project is a transportation and economic development diversification project for local municipalities, San Juan County, the Navajo Nation, and the Four Corners region. He and Messrs. Trujillo and Keller discussed the particulars of the project, its economic benefits and importance to the region, and asked for the STC’s support.

Commissioner Ellis asked if the project will include a public spur for non-rail line users. He explained that with the help of the State of New Mexico, one was constructed in Roswell about 10 years ago. It is a tremendous asset that facilitates and encourages additional revenues by non-traditional partners. Mr. Keller responded that that is exactly what is being looked at, as well as intermodal logistics parks, trans load operations and similar facilities that could spur development.

Commissioner Taylor commented about the history of the railroad in the area. He believes this is a great opportunity to work with the Navajo Nation. Development of the Nation is an extremely important objective in the Four Corners area given the Nation is a partner in almost every project and is very important to the economy of the region. He thinks this project provides some great opportunities and briefly discussed recovery of energy-based economy communities and job creation.

Rod Montoya, New Mexico State Representative, District 1, thanked the STC and NMDOT for helping with the Pinon Hills bypass bridge and road project. It will alleviate a lot of the traffic issues that have grown exponentially over the last 20 years on the east side of town. Representative Montoya also commented in support of the Four Corners rail project. He discussed the effects of the closure of the power plants and coal mines in the area, specifically the loss of jobs. The rail project would be of great benefit and importance to the Navajo Nation in providing high paying

jobs to residents. He suggested that this project become a high priority in view of the large, underserved population living in poverty on the Reservation. He stated that this is a bigger issue than just transportation; it is a livelihood issue. The Navajo Nation is having to live on money coming from the federal government and potentially from the state, and that is not what they want. They want as many jobs and as much income within their community so they can have self-determination.

### **District Five Update**

Paul Brasher, P.E., District Five Engineer, NMDOT, provided an update (via video recording) regarding District Five, during which he discussed the District's budget, projects and other activities. He described the work the District did to assist during the fires, and is currently doing to assist with flood mitigation. He also reported on the District's Employee Recognition Program, acknowledged recent award winners, and thanked District Five staff members for their work.

### **Staff Briefings**

### **Secretary's Report**

Ricky Serna, Cabinet Secretary, NMDOT, reported he has been with NMDOT for a month and has been meeting with staff in the General Office and District Offices to discuss Department organizational structure, reporting and other matters. He is trying to become familiar with the agency, how it functions, determine if improvements are needed, and identify priorities and challenges. Priorities presently include filling vacancies; managing relationships with local

elected officials and local governments; updating the Commission regarding strategies for maximizing bill funding; evaluating NMDOT's capacity to help local governments manage projects from design to completion; and exploring the possibility of working with FHWA to help train local and tribal governments to properly manage funding so that projects get designed and constructed.

NMDOT released a grant solicitation to help identify where the Department can expend \$6 million of American Rescue Plan Act (ARPA) funding for the purpose of installing fast charging electric vehicle (EV) charging stations in rural locations across the state. This is just one of a few measures that will help NMDOT outfit the entire State of New Mexico as an EV friendly state. NMDOT also anticipates that additional funds (\$30 million) to help with the project will come through the approval of its National EV Infrastructure (NEVI) Plan.

He has asked staff to develop a public dashboard to track projects and funding to better share with the general public, lawmakers and the Commission the details of how much money has been received and where that funding is in the state.

He also discussed with staff concerns about cost overruns, how there are fewer contractors bidding on projects now, and how that will impact NMDOT as it receives more revenues and resources and has more projects, and local governments have more projects. NMDOT will need to work with contractors more closely on scheduling and timing of projects.

Secretary Serna will present a transition summary at the next STC meeting that will also be sent to the Governor's office. The summary will address priorities and gaps and perhaps include legislative priorities for the upcoming session. It will also address the question of what the Commission can do to help NMDOT advance. He hopes to articulate the role that he and NMDOT

expect the Commissioners to play within their Districts, on an ongoing basis, so they can act as an informed resource for the Department and help NMDOT achieve its goals and priorities.

## **Finance Reports**

### **NMDOT Financial Status Update**

Mallery Manzanares, Administrative Services Director, NMDOT, presented the NMDOT financial status update as of July 30, 2022. State Road Fund: To date, NMDOT has received a total of \$37.7 million in revenue and spent approximately \$28.8 million. NMDOT's FY23 Operating Budget is \$1.7 billion. Restricted Funds: To date, NMDOT has received \$1.7 million in revenue and spent approximately \$800 thousand. NMDOT's FY23 Restricted Budget is approximately \$240 million. Mrs. Manzanares also discussed NMDOT's FY23 cash balances for operating budget funds: Road Fund: \$503.1 million, which represents approximately \$181.1 million growth from July FY21. Restricted Funds: \$114.8 million, which represents approximately \$49.1 million growth from July FY21. At present, NMDOT's projected FY23 year end fund balances ("savings account" amounts) are: Road Fund: approximately \$35.9 million and Restricted Funds: approximately \$9.5 million.

### **Approval of FY23 Budget Adjustment Request (BAR) No. 6 - Clayton Port of Entry**

Franklin Garcia, Modal Division Director, NMDOT, presented and requested approval of FY23 BAR No. 6 - P565 - Modal - Clayton Port of Entry. The BAR is required to establish budget authority for the Ports of Entry Bureau. It will increase Contractual Services (Category 300) by

\$2.0 million to fund the repaving of the Clayton Port of Entry parking lot and driveways. The funds are supported by State Road Fund.

**Chairman Adams asked for a motion to approve FY23 BAR No. 6 - Clayton Port of Entry; Commissioner Ellis made a motion to so approve; Commissioner Taylor seconded; motion carried unanimously.**

### **Approval of FY23 Transportation Project Fund (TPF) Final Project Selection and Funding Amounts**

Clarissa Martinez, State Grants Manager, Project Oversight Division, NMDOT, presented and requested the STC's approval of the final project selection and funding amounts for the FY23 Transportation Project Fund (TPF). Ms. Martinez explained this year was unique in that project selection was split into two priorities: (1) assisting local entities to cover shortfalls for prior year projects that were experiencing inflation due to rising construction costs; and (2) new projects. The total amount requested for projects experiencing shortfalls is \$13,078,353.41. The total amount requested for new projects is \$95,064,780.33.

**Chairman Adams asked for a motion to approve the final project selection and funding amounts for the FY23 TPF; Commissioner Taylor made a motion to approve the request, as presented; Commissioner Ellis seconded; motion carried unanimously.**

### **New Mexico Finance Authority (NMFA) Report**

Mark Lovato, Managing Director, Investments, NMFA, provided an update regarding NMDOT's investment portfolio funds under NMFA management and NMDOT/NMFA's

outstanding bond debt service as of July 31, 2022. During the month of July, NMFA received from NMDOT a debt service set aside payment in the total amount of \$15.9 million. NMFA is currently holding \$16.4 toward NMDOT's debt service. NMDOT's next debt service payment in the total amount of \$22.1 million (for interest only) is due on December 15, 2022. NMDOT has two project fund accounts: \$302.9 million in the 2021A project account and \$6.7 million in the 2014A project account, which together total \$309.6 million. NMDOT has a \$50 million line of credit with Wells Fargo, pursuant to certain agreements with BNSF. The next quarterly commitment fee payment for the line of credit will be due in September.

## **Policy Reports**

### **Reissuance of Commission Policies with a New Effective Date**

Kenneth Baca, General Counsel, NMDOT, presented and requested the STC's approval for the reissuance of 18 Commission policies with a new effective date. Most policies have expired or are due to expire in the next month or two. Under Commission Policy 4, *New Mexico State Transportation Commission Rules and Policies* (CP 4), Commission Policies are valid for a period of five years from their effective date. Accordingly, it is time to reissue these policies, which CP 4 authorizes the Commission to do.

**Chairman Adams asked for a motion to approve the reissuance of the following Commission Policies with a new effective date: No. 2 - *New Mexico State Transportation Commission Code of Conduct* (CP 2); No. 3 - *Approval of Secretary* (CP 3); No. 4 - *New Mexico State Transportation Commission Rules and Policies* (CP 4); No. 5 - *Involvement in Operations* (CP 5); No. 21 - *Annual Report* (CP 21); No. 29 - *Disposition of Real Property* (CP 29); No. 41**

*- Annual Budget Policy (CP 41); No. 43 - Annual Financial Audit by External Auditor (CP 43); No. 44 - Funding Assistance to Local Governments (CP 44); No. 47 - Archaeological Costs (CP 47); No. 61 - Memorial or Honorary Designation or Dedication of Highways, Transportation Facilities and Structures (CP 61); No. 69 - Landscape Development on State Transportation Facilities (CP 69); No. 70 - Red Light and Speed Enforcement Cameras (CP 70); No. 71 - Recreational Off-Highway Vehicles on Paved State Highways (CP 71); No. 84 - Snow Removal Priorities (CP 84); No. 87 - Acquisition of Rights of Way from Native American Nations, Tribes and Pueblos (CP 87); No. 88 - Special Construction Features (CP 88); and No. 90 - Certification of Regional Transit District (RTD) (CP 90);* Commissioner Ellis made a motion to approve the reissuance of the aforementioned Commission policies, as presented, with the current effective date; Commissioner Taylor seconded; motion carried unanimously.

Commissioner Ellis asked for clarification of the expiration date of the Commission policies. Mr. Baca responded that the policies will be valid for five years from today's date, August 18, 2022.

**Transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), together with Tracts 3-1-C and 3-4 from the NMDOT to the United States of America in Trust for the Pueblo of Acoma**

Lisa Vega, P.E., District Six Engineer, NMDOT, presented and requested the STC's approval of the transfer by quitclaim deed of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), together with Tracts 3-1-C and 3-4 from the NMDOT to the United States of America in Trust for the Pueblo of Acoma. She explained that the NMDOT received a request to transfer certain portions of roads and parcels to the Pueblo of Acoma related to the reconstruction

and realignment of Exit 102 on I-40 several years ago. NMDOT previously agreed by Memorandum of Agreement dated December 8, 2008, that it would convey its interest in Tract 3-1-C to the Pueblo as consideration for the Pueblo's consent to the grant of easements needed by NMDOT for the reconstruction and realignment of Exit 102. The remaining parcels, SP 30, Old NM 124 Spur, and Tracts 3-4 were no longer needed by NMDOT because of the realignment of Exit 102.

**Chairman Adams asked for a motion to approve the Transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), together with Tracts 3-1-C and 3-4 from the NMDOT to the United States of America in Trust for the Pueblo of Acoma; Commissioner Taylor made a motion to approve the request; Commissioner Ellis seconded; motion carried unanimously.**

## **Adjournment**

**Chairman Adams asked for a motion to adjourn the regular meeting at 10:59 a.m.; Commissioner Taylor made a motion to adjourn the regular meeting; Commissioner Ellis seconded. Motion carried unanimously.**

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**Chairman**

**Walter G. Adams**

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**Secretary**

**Charles Lundstrom**

# **Agenda Item 4**

- 4. Introductions: Walter G. Adams, Chairman
  - a. Elected Officials
  - b. Commission Members
  - c. NMDOT Executive Staff

# **Agenda Item 5**

Welcoming Remarks: Walter G. Adams, Chairman

# **Agenda Item 6**

## **Public Comment**

# **Agenda Item 7**

## Pueblo of Acoma Transportation Presentation

# Commission Brief

**SUBJECT:** Pueblo of Acoma Transportation Presentation

**PRESENTER:** Governor Randall Vicente &  
Denis Floge, Acoma Business Enterprises Chief Executive Officer

## **BACKGROUND:**

**Governor Vicente's Presentation:**

- Introductions
- Brief Overview of the Pueblo of Acoma
- Electric Vehicle Charging Station Vision
- Road Maintenance
- Funded Projects
- Proposed Project
- Closing Statements

**ACTION:** For Discussion Purposes.



PUEBLO OF ACOMA  
TRANSPORTATION PRESENTATION

GOVERNOR RANDALL VICENTE

SEPTEMBER 15, 2022



# INTRODUCTIONS

PUEBLO OF ACOMA TRIBAL ADMINISTRATION

ACOMA BUSINESS ENTERPRISES  
DENIS FLOGE, CHIEF EXECUTIVE OFFICER

## WELCOME & OVERVIEW

PUEBLO OF ACOMA

ACOMA BUSINESS ENTERPRISES



# ELECTRIC VEHICLE CHARGING STATION VISION

THE PUEBLO OF ACOMA – ACOMA BUSINESS ENTERPRISES WILL APPLY FOR FEDERAL FUNDING FOR EV INFRASTRUCTURE

OUR SKY CITY TRAVEL CENTER IS LOCATED AT AN IDEAL LOCATION FROM THE PORT OF CALIFORNIA FOR REST AND RECHARGE

OUR VISION IS TO CONTRUCT AND INSTALL EV INFRASTRUCTURE INCLUDING PARKING FACILITIES AND UTILITIES

(9) DC FAST EV CHARGING STATIONS  
(2) L2 EV CHARGING STATIONS

REDUCE GREENHOUSE GAS EMISSIONS BY PLANNING & PREPARING FOR EV CHARGING STATIONS FOR FREIGHT TRANSPORTATION

OUR BIGGEST CHALLENGE IS COMPETING WITH APPLICANTS NATIONALLY



## MAINTENANCE REQUIRED ON I-40 EXIT 102

1-40 EXIT 102 ROUNDABOUTS  
ON & OFF RAMPS

SIGNAGE REPLACEMENT

STRIPING AND TEXT

LANDSCAPING IMPROVEMENTS & LITTER CONTROL

REGULARLY SCHEDULED MAINTENANCE

INCORPORATE ARTWORK ON BRIDGE  
AND TEXT



## THE PUEBLO OF ACOMA WANTS TO EXPRESS APPRECIATION TO THE NMDOT FOR THE FUNDING PROVIDED TO THE FOLLOWING PROJECTS:

1. SP38 Haak'u Road Re-Design – \$2.9 Million
  - a. Funded by Transportation Project Fund
2. SP30 Pueblo Road Two-Section Rehabilitation Project – \$22 Thousand
  - a. Funded by Local Government Road Fund
3. NM124 Bypass Design Project – \$1 Million
  - a. Funded by efforts from NMDOT Cabinet Secretary
  - b. Acoma Pueblo Concerns:
    - i. Land for proposed bypass is in process of being put into trust through the Bureau of Indian Affairs. Concern if NMDOT requesting ROW for road will hinder or halt the process.
    - ii. Multiple cultural sites and utilities are identified within the corridor.
    - iii. Right-of-way will need to be acquired for land not held by the Pueblo.



# PROPOSED PROJECTS

## 1. SP30 Pueblo Road West End Project

- Requesting funding assistance from NMDOT for planning & design efforts for reconstruction of SP30 Pueblo Road from intersection with NM-124 (Rt. 66) continuing for approximately 1 mile south.
- Specifically, 0.82 miles consisting of the entirety of section 120, and .12 miles of section 110.

## 2. San Lorenzo Road

- Thank you NMDOT for continued maintenance on the road.
- Pueblo of Acoma concerns:
  - The required maintenance will be a continuous effort until 'upstream' drainage issues are addressed.
  - Flooding and debris are tribal citizen safety and bus access concerns.



## CLOSING REMARKS

WE CALL ON THE SUPPORT OF THE NEW MEXICO TRANSPORTATION COMMISSION, THE NMDOT SECRETARY & THE DISTRICT 6 ENGINEER TO ENGAGE IN A MEANINGFUL PARTNERSHIP IN ADDRESSING THE NEEDS OF THE PUEBLO OF ACOMA WITH TECHNICAL AND FINANCIAL SUPPORT TO PLAN, DESIGN, CONSTRUCT AND MAINTAIN THE TRANSPORTATION INFRASTRUCTURE.

THANK YOU.

# **Agenda Item 8**

Presentation of Quitclaim  
Deed to Pueblo of  
Acoma for transfer of SP  
30 (Bibo Road, South of  
I-40), Old NM 124 Spur  
(North of I-40), and  
Tracts 3-1-C and 3-4

# Commission Brief

**SUBJECT:** Presentation of Quitclaim Deed to Pueblo of Acoma for transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), and Tracts 3-1-C and 3-4.

**PRESENTER:** Lisa Vega, District Engineer, District 6

**BACKGROUND:** On August 18, 2022, the State Transportation Commission approved the transfer to the Pueblo of Acoma of certain portions of roads and parcels related to the reconstruction and realignment several years ago of Exit 102 on I-40. Pursuant to the Commission's approval, a quitclaim deed has been executed transferring SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), and Tracts 3-1-C and 3-4 to the United States of America in Trust for the Pueblo of Acoma.

**ACTION:** Presentation of Quitclaim Deed to Pueblo of Acoma officials. No action required.

# **Agenda Item 9**

Transportation, Economic  
Development, and Once-in-a-  
Generation Funding: Outlining  
the Greater Gallup Strategy

# Commission Brief

## **SUBJECT:**

Transportation, Economic Development, and Once-in-a-Generation Funding:  
Outlining the Greater Gallup Strategy

## **PRESENTERS:**

Patty Lundstrom, Executive Director, Greater Gallup Economic Development Corporation;  
Michael Sage, Greater Gallup EDC and Evan Williams, NWNMCOG

## **BACKGROUND:**

This presentation is a follow-on to the presentation made by Michael Sage, Deputy Director of the Greater Gallup EDC on September 2021 in Gallup. It will provide the vision, plan of action, targets, and capacity needs to leverage Gallup's existing transportation assets, build on them with new investments, and utilize those to propel economic development and job creation.

The presentation will provide an insight into our investment strategy, that includes leveraging State funding into major Bipartisan Infrastructure Law investments. It will outline some of the technical support items and role that we see NMDOT as a lead partner in perfecting those opportunities.

## **ACTION:**

Presentation Only.

We understand the Cabinet Secretary is evaluating the Department's capacity to lead, partner, and support communities on BIL opportunities. We want to clearly express we have a plan and need NMDOT to assist us in making this a reality.

# **Agenda Item 10**

## District Six Update

# DISTRICT SIX

## Project Status Report



Charles Lundstrom,  
Transportation Commissioner



Lisa Boyd Vega,  
District Engineer



### FY 23 BUDGET

#### Budget Responsibility

- Operating Budget: \$20,437,800.00
- Ongoing Construction Contracts: \$116,877,566.34
- Contract Maintenance: \$8,617,900.00
- Field Supplies: \$5,849,977.18
- Striping and Signing: \$1,119,900.00
- Rest Area Maintenance/Improvements: \$107,900.00
- I.T. Budget: \$251,300.00

#### Employee Breakdown

- Support Staff: 41
- Maintenance: 143
- Construction: 51
- Engineering Support: 16

Total Positions: 251

Total Vacancies: 50

Vacancy Rate: 20.08%



# DISTRICT STAFF



Hassan Raza,  
ADE Construction



Arif Kazmi,  
ADE Engineering Support



VACANT,  
ADE Maintenance



Angela Baca,  
Business Manager



Jenny Gallegos,  
DE Administrative Assistant



Diane Delane Baros,  
Public Information Officer

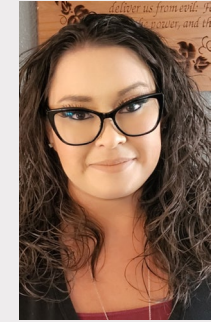
# CONSTRUCTION STAFF



Hassan Raza,  
ADE Construction



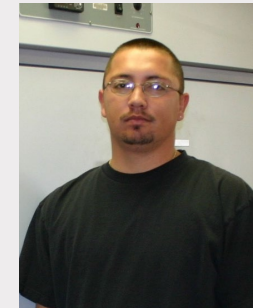
Stephanie Parra,  
PM 2



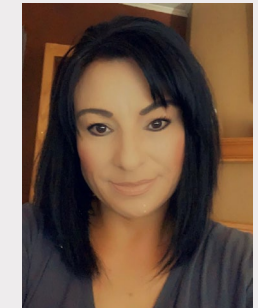
Valerie Nieto,  
Management Analyst



Robert Darby,  
PM-Milan Project Office 2



David Gonzales,  
PM-Milan Project Office 1



Rachel Romero,  
Audit Section Supervisor



VACANT,  
PM-Gallup Project Office 1  
041



DeWyett Shirley,  
PM-Gallup Project Office 2



Alfonso Lopez,  
District Lab Supervisor

# All Active Construction Projects within District 6



## On-Going Construction Projects

CN	Termini	Type of Construction	County	Cost	Construction Status
6101540	US 180, at MP 3.152 & MP 7.903 NM 12, at MP 7.040	Bridge Rehabilitation	Catron	\$513,315.00	Construction Suspended 4/29/2022
6101181	I-40, MP 111.043 to MP 117.000	Roadway Reconstruction, Ramp Rehabilitation & Bridge Rehabilitation	Cibola	\$26,413,119.16	Construction Suspended 06/28/2022
6101022	US 60, MP 17.977 to MP 24.023	Roadway Rehabilitation	Catron	\$5,799,160.40	Construction Resumed 4/4/2022
6100848	NM 53, MP 85.400 to MP 85.900	Bridge Rehabilitation & Roadway Rehabilitation	Cibola	\$1,748,750.00	Construction Resumed 5/2/2022
6101272	US 491, MP 61.760 to MP 68.106	Roadway Rehabilitation	McKinley	\$13,391,853.00	Construction Resumed 6/7/2022
6101010	I-40/Coolidge Interchange	Roadway/Ramp Reconstruction & Bridge Replacement	McKinley	\$15,817,465.93	Construction Resumed 5/4/2022
6100971	US 491/Carbon Coal Road Intersection (Ninth Street and S.Chino Loop)	Roadway Reconstruction & Rehabilitation, Lighting & Signalization	McKinley	\$24,003,019.34	Construction Resumed 4/18/2022
6101440R	Various Locations in District 6	Stockpiling	Various	\$1,129,214.00	Construction Resumed 5/2/2022
6101091	NM 53, MP 15.500 to MP 19.500	Drainage Structures & Roadway Reconstruction	McKinley	\$7,119,343.00	Construction Resumed 3/28/2022

# All Completed Construction Projects within District 6



## Completed Construction Projects

CN	Termini	Type of Construction	County	Cost	Date Completed
6100782	US 491, MP 40.500 to MP 42.000	Lighting	McKinley	\$495,136.80	Physical Complete 4/7/2022
6100950	I-40, MP 57.393 to MP 60.461	Roadway Reconstruction	McKinley	\$14,528,760.68	Physical Complete 6/28/2022
6100847	US 550, MP 63.930 to MP 64.309	Bridge Rehabilitation & Roadway Rehabilitation	Sandoval	\$2,110,134.77	Physical Complete 5/24/2022
6101206R	NM 12, MP 6.900 to MP 7.100	Driveway Turnout Construction & Guardrail Installation	Catron	\$293,869.00	Physical Complete 5/3/2022
6100904	I-40, MP 37.700 to MP 40.300	Roadway Reconstruction, CBC Extensions	McKinley	\$16,314,246.31	Physical Complete 2/9/2022
6101520	I-40, MP 3.250 to MP 3.380 Manuelito Rest Area	Sewer System Replacement (Manuelito Rest Area)	McKinley	\$1,034,662.89	Physical Complete 2/23/2022
9900801	I-40, MP 8.200 to MP 131.00	Metal Guardrail Installation	McKinley & Cibola	\$6,087,537.38	Substantial Complete 01/15/2021
9900811	I-40, MP 40.000 to MP 105.500	Metal Guardrail Installation	McKinley & Cibola	\$5,730,317.94	Substantial Complete 10/13/2021
6101040	NM 4, MP 18.500 to MP 19.000	Bridge Replacement & Roadway Reconstruction	Sandoval	\$5,286,555.03	Substantial Complete 7/08/2021
6100841R	NM 53, MP 82.250 to MP 85.900	Bridge Rehabilitation & Roadway Rehabilitation	Cibola	\$3,837,916.16	Substantial Complete 5/31/2022

# Statewide Transportation Improvement Program

The Statewide Transportation Improvement Program (STIP) is a four-year, fiscally constrained, list of federally funded and regionally significant projects called the STIP.

The STIP is created through a cooperative and comprehensive process that incorporates federally required Performance Measures (PMs), the seven National Planning Goals, and aligns with the NMDOT's Long Range Planning document to choose projects that support the vision of the Department and address the multimodal needs of New Mexico's transportation customers.

The State's six-year transportation preservation and capital improvement program identifies multi-modal transportation projects that use Federal, State Bond, State priority, State Capital Outlay and local government transportation funds. It includes projects of regional significance (projects with high public interest or air quality impacts) and projects in the National Parks, National Forests and Indian Reservations.

NMDOT

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Control Number	Termini	Scope	County	Funded Amount	Project Estimate
6100661	NM 566, MP 6.46	Bridge Replacement, Bridge # 7158	McKinley	\$10,500,000.00	\$6,074,581.00
6101550	I-40, MP 76.1	Bridge Rehabilitation, Bridge # 7183, 7251, 7317 & 7393	Cibola	\$3,500,000.00	\$2,985,570.00
6101151	I-40, MP 29.7 <b>Design Only</b>	Bridge Replacement Drainage Improvement Study	McKinley	\$700,000.00	\$35,000,000.00
6101154	I-40, MP 35.0	Bridge Replacement Drainage Improvement Study	McKinley	\$1,400,000.00	\$30,000,000.00
6101200	NM 612, MP 8.0 – 11.0	New Drainage Structures	Cibola	\$3,300,000.00	\$3,701,824.00
6101291	NM 118, MP 26.5 – 30.0	Pavement Reconstruction	McKinley	\$9,921,990.00	\$16,000,000.00
6101231	I-40, MP 9.7 – 10.1	Slope Mitigation	McKinley	\$3,000,000.00	\$3,000,000.00
6101581	I-40, MP 39.8 – 44.8	Roadway Reconstruction	McKinley	\$35,362,572.00	\$45,000,000.00
6101450	NM 547, Lobo Canyon Rd & Roosevelt Ave	Construct New Intersection & Sidewalk	Cibola	\$272,000.00	\$3,000,000.00
6100671	NM 566, MP 0.0 – 1.0	Bridge Replacement, Bridge # 7157	McKinley	\$1,397,043.00	\$16,566,809.00
6100846	US 550, MP 64.55 – 64.89	Bridge Replacement, Bridge #6840	Sandoval	\$10,706,851.00	\$16,764,589.12
6101600	Lower NM 118	Design	McKinley	\$1,000,000.00	\$0.00
6101610	US 550, Various Locations	Design	Sandoval	\$1,200,000.00	\$0.00
6101320	I-40 & Ford Interchange, MP 23.0 – 23.7	Bridge Reconstruction, Bridge #7618	McKinley	\$1,500,000.00	\$0.00
6101160	NM 117, MP 47.0 – 50.0 <b>Design</b>	Drainage Improvements	Cibola	\$400,000.00	\$0.00
6101221	NM 264, MP 10.0 – 14.0	Roadway Reconstruction	McKinley	\$0.00	\$30,000,000.00

NMDOT

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FY24

Control Number	Termini	Scope	County	Funded Amount	Project Estimates
6100846	US 550, MP 64.55	Bridge Replacement, Bridge # 6840	Sandoval	\$5,976,864.00	\$16,764,589.00
6101221	NM 264, MP 10.0 – 14.0	Roadway Reconstruction	McKinley	\$26,244,620.00	\$30,000,000.00
6100931	I-40, MP 17.9 – 21.9	Roadway Reconstruction	McKinley	\$0.00	\$16,500,000.00

FY25

Control Number	Termini	Scope	County	Funded Amount	Project Estimates
6101160	NM 117, MP 47.0 – 50.0	Drainage Improvements	Cibola	\$3,121,001.00	\$10,000,000.00
6100931	I-40, MP 17.9 – 26.0	Roadway Reconstruction	McKinley	\$13,751,914.00	\$72,000,000.00

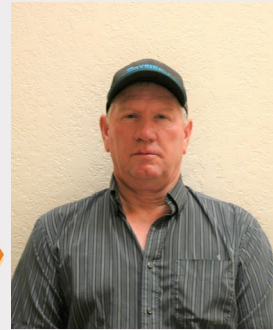
FY26

Control Number	Termini	Scope	County	Funded Amount	Project Estimates
6101371	Allison Road Part A	New Bridge over NM 118 & BNSF	McKinley	\$9,250,000.00	\$42,403,088.71
6101430	NM 32, MP 7.4 – 8.7	Bridge Replacement, Bridge #7302	Catron	\$3,000,000.00	\$7,626,879.12
6100838	I-40, MP 105.9 – 106.4	Bridge Replacement, Bridge #6489 & 6488	Cibola	\$10,200,000.00	\$36,000,000.00
6101350	NM 602, MP 23.0 – 24.0	Drainage Repair	McKinley	\$800,000.00	\$0.00
6101001	Sparrow Hawk Rd	Bridge Replacement, Bridge #0002	Valencia	\$1,164,800.00	\$30,000,000.00
6100932	I-40, MP 21.9 – 25.76	Pavement Rehabilitation	McKinley	\$9,000,000.00	\$16,500,000.00
6100849	I-40, MP 8.7 – 9.7	Bridge Replacement, Bridge #3487 & 6128	McKinley	\$8,775,000.00	\$36,700,000.00
6100905	I-40, MP 42.5 – 44.0	Roadway Reconstruction	McKinley	\$6,000,000.00	\$0.00

# MAINTENANCE STAFF



VACANT,  
ADE Maintenance



John Council,  
AMS-Northern Patrols

Rest Area Crew  
Cuba Patrol  
San Ysidro Patrol  
Top of the World Patrol  
Buffalo Springs Patrol



Jeremy Madrid,  
AMS-Southern Patrols

Ramah Patrol  
Quemado Patrol  
Fence Lake Patrol  
Gallup Patrol  
Datil Patrol  
Reserve Patrol



Eugene Hosteen,  
AMS-Special Crews

Pavement Preservation Crew  
Heavy Maintenance Crew  
Bridge Crew  
Mesita Patrol  
Grants Patrol

# Maintenance Projects

## Contract Maintenance Projects for FY22 & FY 23

## COMPLETED CONTRACT MAINTENANCE PROJECTS

CN	Description	Current Budget
HW2M600752	District Wide (Traffic Service)	\$146,081.60
HW2M600753	District Wide (Bridge Maintenance)	\$72,361.81
HW2M600754	District Wide (Contract Trucking)	\$937,667.87
HW2M600755	NM 602, MP 19.0 - 24.1; Overlay	\$1,982,921.15
HW2M600756	NM 53, MP 76.8 - 73.8; Hot in Place w/Overlay	\$2,181,975.66
HW2M600757	US 491, MP 7.8 - 3.3; Overlay	\$1,492,987.54
HW2M600761	NM 509, MP 15.0 (Railroad Maintenance)	\$48,338.24
HW2M600763	I-40, MP 85 & 89; Paint Exterior Girders, Bridge 7393 & 5973	\$17,948.70
HW2M600764	US 550, MP 20.8 - 22.7; Mill & Inlay	\$1,807,840.87
HW2M600767	I-40, MP 53.1 - 53.5; Mill & Pave	\$450,379.62
HW2M600769	NM 602, MP 24.3 - 30.0; Mill & Pave	\$2,164,680.47

## ON-GOING CONTRACT MAINTENANCE PROJECTS

CN	Description	Current Budget
HW2M600799	District Wide (Traffic Service)	\$22,000.00
HW2M600800	District Wide (Bridge Maintenance)	\$155,900.00
HW2M600801	District Wide (Contract Trucking)	\$1,000,000.00
HW2M600802	NM 509, MP 15.0 (Railroad Maintenance)	\$62,000.00
HW2M600803	NM 371, MP 2.0 - 4.0; 3" Mill & Fill	\$1,500,000.00
HW2M600804	I-40, MP 56.0 - 58.0 4" Mill & Fill	\$2,280,000.00
HW2M600805	I-40, MP 98.0 - 101.0 4" Mill # Fill	\$3,400,000.00

Activity	Unit of Measure	Total	Total Cost
Blade Patching	CY	6,275.93	\$1,156,870.57
Chip Sealing	Lane Miles	96.88	\$1,224,174.72
Asphalt Paving	Lane Miles	28.57	\$1,607,758.13
Cold Milling Asphalt & Concrete Surfaces	Lane Miles	1.10	\$2,152.13
Litter Pickup	Labor Hours	7,583.77	\$275,637.19
Contract Litter Pickup (Project)	Labor Hours	1,612.50	\$40,240.14

# ENGINEERING SUPPORT STAFF



Arif Kazmi,  
ADE Engineering Support



Rais Rizvi,  
Technical Support Engineer



Jayson Grover,  
Traffic Engineer



Mike Neely,  
Engineer Tech Supervisor, LGRF

# HB2 FUNDING

HB2 was passed by the New Mexico Legislature and amendments by the Senate Finance Committee to appropriate non-recurring funding for various transportation projects.

# HB2 FUNDING

Laws of 2019,  
Chapter 271,  
Section 9,  
Item 1

Control Number	Termini	Status	Cost
6100970	Carbon Coal Design New County Road Phase 3 Services	Under Design	\$1,000,000.00
6100971	Carbon Coal Road	Under Construction	\$21,000,000.00
6101370	Allison Corridor Preliminary Engineering	Under Design	\$4,500,000.00
6101181	I-40 Concrete Wall Barrier	Completed	\$16,393,897.05
6101380	NM 4 Bypass Design	Under Design	\$3,000,000.00

# HB2 FUNDING

Laws of 2019,  
Chapter 271,  
Section 9,  
Item 2

Control Number	Termini	Status	Cost
HW2M600665	I-40, MP 45.0 – 47.0	Completed	\$2,468,660.56
HW2M600666	Trucking	Completed	\$86,000.00
HW2M600667	I-40, MP 43.9 – 45.0	Completed	\$1,227,323.55
6101272	US 491, MP 62.0 – 67.7	Completed	\$16,393,897.05
6193317	First Street Phase II Washington to Roosevelt	December 2022	\$1,833,335.00

# HB2 FUNDING

Laws of 2020,  
Chapter 83,  
Section 9,  
Item 1

Control Number	Termini	Status	Cost
M600710	NM 53, MP 41.0 - 46.4	Completed	\$1,821,749.91
M600711	NM 279, MP 0.0 - 13.5	Completed	\$6,295,761.07
M600712	I-40, MP 42.4 - 43.7	Completed	\$1,135,148.39
M600713	NM 118, MP 3.0 - 5.0	Completed	\$335,940.12
M600714	NM 371, MP 57.8 - 61.0	Completed	\$2,696,377.65
M600715	US 491, MP 27.0 - 29.7	Completed	\$1,394,326.57
M600716	US 491, MP 18.2 - 20.2	Completed	\$3,071,452.00
6101520	I-40, Manuelito Rest Area	Completed	\$1,104,502.63
M600717	US 491, MP 66.1	Completed	\$43,015.05
M600718	US 550, MP 45.8	Completed	\$221,950.75
M600719	NM 602, MP 23.7	Completed	\$351,147.29
M600768	NM 412, MP 0.0 - 7.0	Completed	\$1,528,628.57

# HB2 FUNDING

Laws of 2021,  
Section 9

Control Number	Termini	Estimated Completion	Cost
6101371	Allison Corridor Phase	Jan-25	\$9,000,000.00
HW2M600765	NM 547 (Roosevelt Ave)	Dec-23	\$2,964,547.50
HW2M600760	NM 547, MP 4.1 – 13.0	Completed	\$2,035,452.75
HW26101220	NM 264, MP 0.0 – 16.1	Dec-24	\$19,999,999.75

# HB2 FUNDING

Laws of 2022,  
Section 9,  
Item 6

Control Number	Termini	Scope	Cost
HW2M600803	NM 371, MP 1.0 – 9.0 & 4.0 – 10.0	Mill & Fill	\$3,500,000.00
HW2M600809	US 491, MP 0.6 – 4.0 & 6.2	Mill & Fill	\$5,000,000.00
HW2M600810	NM 124, MP 8.0 – 16.0	Novachip Overlay	\$1,500,000.00
HW2M600811	NM 53, MP 69.4 – 63.0	Hot in-Place Recycle	\$2,000,000.00
HW2M600812	McKinley County Bridges		\$4,300,000.00

# TRANSPORTATION PROJECT FUND (TPF)

The Project Oversight Division oversees Department's Transportation Project Fund (TPF) formally known as Local Government Transportation Project Fund (LGTPF). Local and tribal governments in New Mexico are eligible to apply for state funded grants.

Eligible projects are in the following categories:

- (1) environmental and other studies;
- (2) planning;
- (3) design;
- (4) construction; and
- (5) acquisition of rights of way necessary for the development of transportation infrastructure, which includes highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular, transit, bicycle or pedestrian use for travel, ingress, egress and parking.

FY19  
&  
FY 20

FY19

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Pueblo of Zia	Jemez River Bridge Replacement Design - Bridge replacement design within the control of the Pueblo of Zia	\$351,254.90	\$18,487.10	\$369,742.00
Village of Milan	Haystack Phase 2 - Plan, Design and Construct improvements Planning, Design, Construction, Construction Management, Drainage and Misc. Improvements of Haystack Place Phase 2	\$126,576.90	\$0.00	\$126,576.90
Village of San Ysidro	San Ysidro Walkway Project-Plan, design, construction, and drainage for an asphalt walkway	\$292,137.00	\$0.00	\$292,137.00
Navajo Nation	Baahaali Transfer Station Access Road Improvement Project	\$281,437.50	\$14,812.50	\$296,250.00

FY20

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Cibola County	County Rd. Bridge Replace- Planning, design, construction, and ROW	\$902,500.00	\$47,500.00	\$950,000.00
City of Gallup	East Nazhoni Blvd Reconstruction Project Preliminary Engineering - Planning, design, and preliminary engineering	\$332,500.00	\$17,500.00	\$350,000.00
Navajo Nation	Bahastl'ah Chapter Roadway Safety Audit (Twin Lakes-US 491)	\$142,500.00	\$7,500.00	\$150,000.00
Navajo Nation	Mexican Springs Chapter Navajo Route 30 and U.S. Highway 491 Safety Audit	\$19,000.00	\$1,000.00	\$20,000.00
Navajo Nation	US 491/Tohatchi Community Chapter Road Safety Audit	\$71,250.00	\$3,750.00	\$75,000.00
Pueblo of Laguna	L24/I40 CBC Rainfall Rd Plan, Design, Construction Concrete Box Underpass-Plan, design, and construct to include Box Culvert Underpass Improvements	\$1,900,000.00	\$100,000.00	\$2,000,000.00
Village of Reserve	Petrita Ave. Repave Improvements-Plan, Design and Construct Improvements	\$422,571.00	\$0.00	\$422,571.00

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Ramah Navajo	BIA Route 145: Design and permitting for approx. 12 miles of reconstruction to improve current earth road to an all-weather road and driving surface	\$546,250.00	\$28,750.00	\$575,750.00
Ramah Navajo	BIA Route 195: Roadway need reconstruction to provide an all -season roadway with some major drainage crossing work at two locations along the loop.	\$850,360.20	\$44,755.80	\$895,116.00
Sandoval County	CR-11 Bridge Replacement #1784	\$1,330,000.00	\$70,00,000.00	\$1,400,000.00
Sandoval County	CR-11 Bridge Replacement #1786	\$807,500.00	\$42,500.00	\$850,000.00
Village of Milan	Airport Rd Reconstruction Full depth street reconstruction Including curb and gutter, sidewalk In accordance with ADA standards with special focus on drainage infrastructure Including curb Inlets, new Concrete Box Culverts over the Rio San Jose, stone'	\$3,311,149.18	\$0.00	\$3,311,149.18

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
City of Gallup	Coal Avenue Commons Coal Avenue Commons Construction: includes full depth roadway and intersection reconstruction including subsurface utilities, enhanced drainage infrastructure, and pedestrian enhancements including wider sidewalks with curb less design, flex zones, street closure infrastructure for events, and ADA access ramps.	\$3,325,000.00	\$175,000.00	\$3,500,000.00
City of Grants	Sakelares Blvd Phase IA/B and C Corridor and Environmental Documentation Phases. The project scope includes a full corridor study in accordance with NMDOT's Location Study Procedures and Environmental Documentation. Sakelares Blvd. extends approximately 14,100 -ft from Route 66 to Lobo Canyon Road.	\$546,250.00	\$28,750.00	\$575,000.00
City of Grants	Washington Ave. & Drainage Sakelares Blvd Phase IA/B and C Corridor and Environmental Documentation Phases. The project scope includes a full corridor study in accordance with NMDOT's Location Study Procedures and Environmental Documentation. Sakelares Blvd. extends approximately 14,100 -ft from Route 66 to Lobo Canyon Road.	\$2,070,346.40	\$0.00	\$2,070,346.40
McKinley County	Superman Canyon (CR43) Superman Canyon (CR43) Bridges and Road: install three (3) arch pipe culverts and crossings with roadway and drainage improvements	\$1,900,000.00	\$1,00,000.00	\$2,000,000.00
Navajo Nation	N57 Tohajiilee Road; Asphalt pavement, striping, and signage. Apply chip sealing of 9 miles of existing earth road Tohajiilee, NM Navajo Nation	\$3,889,898.00	\$0.00	\$3,899,898.00
Navajo Nation	West Tsayatoh Rd, Phase I Subgrade Prep, install culverts, and apply base course	\$2,450,000.00	\$0.00	\$2,450,000.00
Pueblo of Jemez	Owl Springs Way Bridge Replacement (Bridge No. M104/Route 82)	\$2,958,300.00	\$155,700.00	\$3,114,000.00
Pueblo of Jemez	Walatowa Fitness Center Parking Lot/Bear Head Canyon	\$1,240,700.00	\$65,300.00	\$1,306,000.00
Village of Reserve	Pablo-Ella-Mesa Roadway Improvements: Design, Bidding, Construction Services and Construction and/or Reconstruction of Paving and Drainage Improvements	\$326,000.00	\$0.00	\$326,000.00

# LOCAL GOVERNMENT ROAD FUND (LGRF)

The Local Government Road Fund (LGRF) was created for Local Entities to take the lead in developing and contracting construction and maintenance projects. Funding used for project development, construction, reconstruction, improvement, maintenance or repair of public highways, streets and public-school parking lots, acquisition of right-of-way, and in place material for construction or improvement. LGRF is a “Disbursement” program, not a “Reimbursement” program so funds can be requested and disbursed before work has been completed.

## **LGRF Funding**

- 75% State Match
- 25% Local Entity Match

## LGRF Funding Types

- **Cooperative Program – SP (or COOP)**  
42% of LGRF funds  
Counties, Municipalities, School Districts, Universities and Tribal
- **County Arterial Program – CAP**  
26% of LGRF funds  
Counties Only – (Funding based on road miles maintained)
- **School Bus Route Program – SB**  
16% of LGRF funds  
Counties Only
- **Municipal Arterial Program – MAP**  
16% of LGRF funds  
Municipalities Only

	Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
FY17	City of Grants	Design/Pavement/Sidewalk/Rehabilitation Improvements of First Street from Washington Ave to Harrison Ave	\$130,351.00	\$43,450.00	\$173,801.00
FY18	City of Grants	Plan, Design, Construction, Reconstruction Management of 1st Street (Phase 3) from Washington Ave. to Harrison St.	\$217,458.00	\$72,486.00	\$289,944.00
	Pueblo of Laguna	L500 Mountain Ash Loop, Central Park Rd., East Paraje	\$22,428.00	\$7,476.00	\$29,904.00
FY19	City of Grants	Washington to Anderman	\$147,182.00	\$0.00	\$147,182.00
	Catron County	Project Development, Design, Construction, Paving, Reconstruction, Blade	\$114,629.00	\$0.00	\$114,629.00
	Catron County	& Shape, Drainage Improvements, Base coarse, Cattle Guard Purchase and Installation on various County Roads	\$190,412.00	\$0.00	\$190,412.00
FY20	Catron County	Project Development, Design, Construction, Paving, Reconstruction, Blade &	\$191,111.00	\$0.00	\$191,111.00
	NMSU-Grants	School Campus	\$15,050.00	\$5,017.00	\$20,067.00
	Pueblo of Laguna	Pavement Rehabilitation, Drainage Improvements, Reconstruction, Misc., BIA 125 and BIA 122	\$15,050.00	\$5,017.00	\$20,067.00

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Catron County	Shape, Drainage Improvements, Base coarse, Cattle Guard Purchase and Installation on various County Roads	\$115,931.00	\$0.00	\$115,931.00
Catron County	Project Development, Design, Construction, Paving, Reconstruction, Blade	\$189,961.00	\$0.00	\$189,961.00
Catron County	& Shape, Drainage Improvements, Base course, Cattle Guard Purchase, and Installation on various County Roads	\$258,370.00	\$0.00	\$258,370.00
Cibola County	Project Development, Design, Construction, Reconstruction, Blade & Shape, Drainage Improvements, and Base coarse on various County Roads	\$115,931.00	\$38,644.00	\$154,575.00
Cibola County	Project Development, Design, Construction, Reconstruction, Blade & Shape, Drainage Improvements, and Base coarse on various County Roads	\$87,849.00	\$29,283.00	\$117,132.00
Cibola County	Pavement Rehabilitation, Reconstruction, Blade & Shape, Drainage Improvements, and Misc. on various County Roads.	\$193,778.00	\$64,592.00	\$258,370.00
City of Gallup	Pavement rehabilitation and reconstruction of city streets within the city limits/boundaries of the North, East, South, and/or West sides of the City of Gallup	\$147,182.00	\$49,061.00	\$196,243.00
Navajo Nation	Pavement Rehabilitation, Reconstruction, Full Construction, Drainage Improvements, Blade & Shape, Traffic Signal Improvements, Construction, ROW Acquisition (Iyanbito Chapter)	\$12,208.00	\$4,069.00	\$16,277.00
NMSU-Grants	Pavement Rehab., Reconst., Misc	\$12,208.00	\$4,069.00	\$16,277.00
Pueblo of Laguna	Plan, Design, Pavement Rehabilitation, Drainage Improvements, Reconstruction L53	\$12,208.00	\$4,069.00	\$16,277.00
Ramah Navajo	Pavement Rehabilitation, Drainage Improvements, Reconstruction, Misc., BIA 125 and BIA 122	\$12,208.00	\$4,069.00	\$16,277.00

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Cibola County	Project Development, Design, Construction, Reconstruction, Blade & Shape, Drainage improvements & Base course various County Roads	\$112,104.00	\$37,368.00	\$149,472.00
Cibola County	Pavement Rehabilitation, Reconstruction, Blade & Shape, Drainage Improvements, and Misc. on various County Roads	\$187,223.00	\$62,408.00	\$249,631.00
Cibola County	Pavement Rehabilitation, Reconstruction, Blade & Shape, Drainage Improvements, and Misc. on various County Roads	\$81,335.00	\$27,112.00	\$108,447.00
City of Gallup	Plan, Design, Project Development, Pavement Rehab., Full Const., Recon., Blade & Shape, Drainage Imp., Misc. on multiple City Streets	\$142,182.00	\$47,394.00	\$189,576.00
City of Gallup	Pavement Rehab., Reconstruction, Construction, Drainage Improvements, Misc.	\$160,379.00	\$53,460.00	\$213,839.00
City of Grants	Right-of-way Acquisition, Construction, Reconstruction, Misc.	\$160,379.00	\$53,460.00	\$213,839.00
GCCS	Plan, Design, Construction, Reconstruction, Construction Management, Right-of-Way Acquisition, Misc.	\$85,790.00	\$28,597.00	\$114,387.00
McKinley County	Plan, Design, Project Development, Pavement Rehab., Full Constr., Reconst., Blade & Shape, Drainage Impr., ROW Acq., Various Routes	\$117,493.00	\$39,164.00	\$156,657.00
McKinley County	Plan, Design, Project Development, Pavement Rehab., Full Constr., Reconst., Blade & Shape, Drainage Impr., ROW Acq., Various Routes	\$187,222.00	\$62,407.00	\$249,629.00
McKinley County	Pavement Rehabilitation, Construction, Reconstruction, Drainage Improvements, Blade & Shape, Misc.	\$189,387.00	\$63,130.00	\$252,517.00
McKinley County	Pavement Rehabilitation, Construction, Reconstruction, Drainage Improvements, Blade & Shape, Misc. <sup>068</sup>	\$132,518.00	\$44,173.00	\$176,691.00

Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
McKinley County	Pavement Rehabilitation, Construction, Reconstruction, Drainage Improvements, Blade & Shape, Misc.	\$316,750.00	\$105,583.00	\$422,333.00
Navajo Nation	Crownpoint Cemetery Rd	\$19,655.00	\$6,552.00	\$26,207.00
Village of Milan	Plan, Design, Construction, Reconstruction, Drainage Improvements, Construction Management, Misc.	\$160,380.00	\$53,459.00	\$213,839.00
Cibola County	Pavement Rehabilitation, Reconstruction, Drainage Improvements, Blade & Shape, Misc.	\$189,388.00	\$63,129.00	\$252,517.00
Cibola County	Pavement Rehabilitation, Reconstruction, Drainage Improvements, Blade & Shape, Misc.	\$91,578.00	\$30,526.00	\$122,104.00
Cibola County	Pavement Rehabilitation, Reconstruction, Drainage Improvements, Blade & Shape, Misc.	\$316,750.00	\$105,583.00	\$422,333.00
City of Gallup	Plan, Design, Project Development, Pavement Rehab., Full Const., Recon., Blade & Shape, Drainage Imp., Misc. on multiple City Streets	\$142,182.00	\$47,394.00	\$189,576.00
City of Gallup	Pavement Rehab., Reconstruction, Construction, Drainage Improvements, Misc.	\$160,379.00	\$53,460.00	\$213,839.00
City of Grants	Right-of-way Acquisition, Construction, Reconstruction, Misc.	\$160,379.00	\$53,460.00	\$213,839.00
Grants/Cibola Schools	Plan, Design, Construction, Reconstruction, Construction Management, Right-of-Way Acquisition, Misc.	\$85,790.00	\$28,597.00	\$114,387.00
Grants/Cibola Schools	School Campus	\$25,127.00	\$8,376.00	\$33,503.00

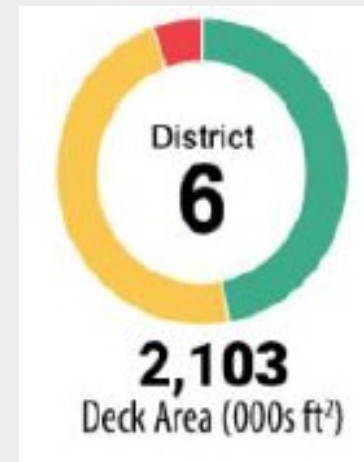
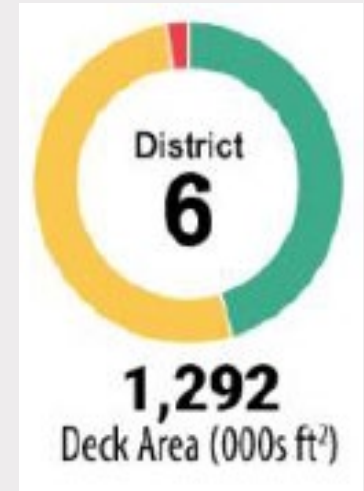
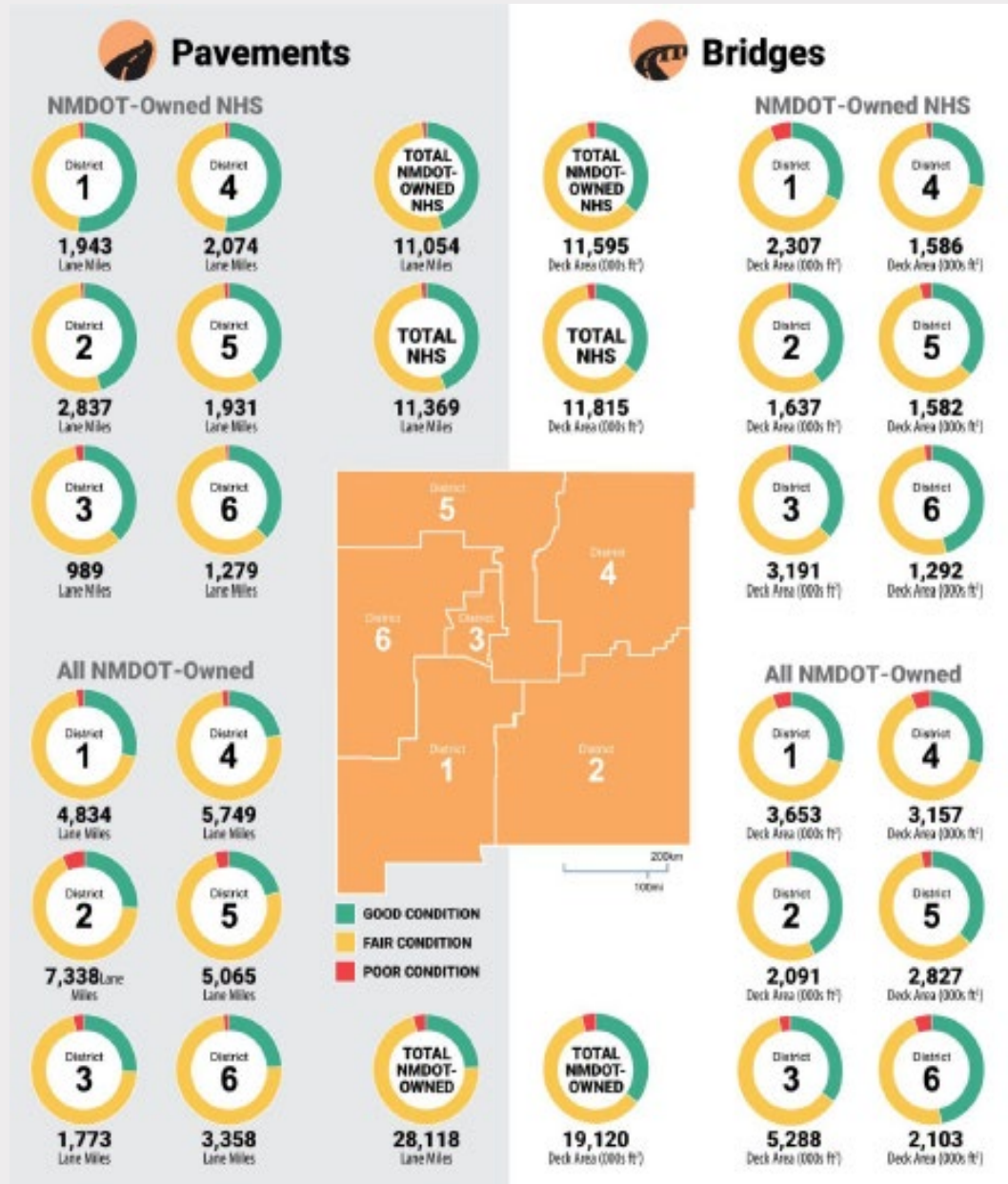
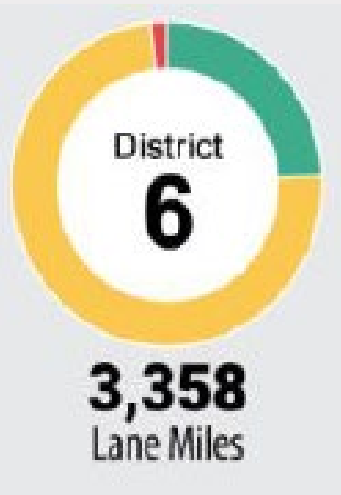
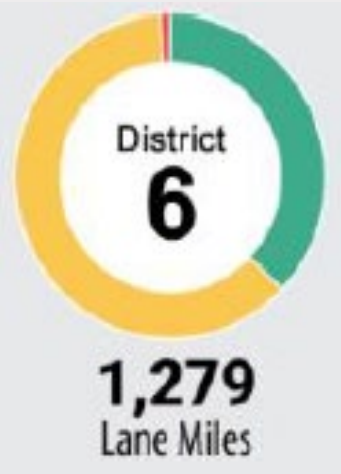
Entity	Termini	95% State Amount	5% Entity Amount	Sum of Total Cost
Navajo Nation	Pavement Rehabilitation, Full Construction, Reconstruction, Drainage Improvements, Construction Management, Misc.	\$16,629.00	\$5,543.00	\$22,172.00
NMSU-Grants	Pavement Rehabilitation, Full Construction, Reconstruction, Drainage Improvements, Misc.	\$16,628.00	\$5,543.00	\$22,171.00
Pueblo of Acoma	Pavement Rehabilitation, Full Construction, Reconstruction, Drainage Improvements, Construction Management, Misc.	\$16,628.00	\$5,543.00	\$22,171.00
Ramah Water & Sanitation	Plan, Design, Pavement Rehabilitation, Drainage Improvements, Vegetation Management, Signal Flashers, Misc.	\$16,628.00	\$5,543.00	\$22,171.00

# DISTRICT ASSET CONDITION

New Mexico's Transportation Asset Management Plan (TAMP) establishes the condition of highway and bridge assets across the state and provides a strategy for efficiently maintaining these assets in good condition over the long term. The TAM utilizes business, economic and engineering practices to help guide data-driven decisions for resource allocation and project selection.

- A data-driven approach
- A long-term approach
- An integrated approach
- A transparent approach
- A continuous improvement approach

## Pavement And Bridge Conditions



## Pavement Conditions

### “Poor” Rating

Interstate,  
US  
&  
NM  
Routes

Route	Begin MP	End MP	Condition	Cost
I-40	8	12	Poor	\$8,800,000.00
US 491	5.5	7.3	Poor	\$3,800,000.00
NM 118	16.5	16.8	Poor	\$3,700,000.00
NM 264	0	4	Poor	\$44,600,000.00

# Pavement Conditions

“Fair”  
Rating

## Interstate Routes

Route	Begin MP	End MP	Condition	Cost
I-40	8	12	Fair	\$3,555,760.00
I-40	11.1	11.5	Fair	\$556,517.54
I-40	60.7	62.7	Fair	\$1,780,046.66
I-40	122.9	126.9	Fair	\$2,248,480.00
I-40	118.9	132	Fair	\$51,456,221.34

## US Routes

Route	Begin MP	End MP	Condition	Cost
US 180	24	32	Fair	\$3,195,660.00
US 491	3.4	9.2	Fair	\$13,710,219.42
US 491	17.2	21.2	Fair	\$5,340,140.00
US 491	25.2	27.2	Fair	\$2,670,070.00
US 491	29.2	31.2	Fair	\$9,383,824.76
US 491	35.2	36.9	Fair	\$2,322,960.90
US 550	10	16	Fair	\$5,987,280.00
US 550	20	24	Fair	\$8,235,760.00
US 550	63.5	65.5	Fair	\$1,124,240.00
US 550	97.5	98.7	Fair	\$2,643,549.58
US 60	2	4	Fair	\$1,077,396.66

## Pavement Conditions

“Fair”  
Rating

NM  
Routes

Route	Begin MP	End MP	Condition	Cost
NM 118	16	16.4	Fair	\$617,425.12
NM 118	25.6	26	Fair	\$1,433,517.84
NM 118	27.1	28.4	Fair	\$3,100,101.38
NM 122	33.6	35.6	Fair	\$2,674,672.00
NM 122	37.6	38.7	Fair	\$3,082,324.26
NM 126	36.4	38.3	Fair	\$5,178,264.00
NM 12	42	48	Fair	\$11,829,046.66
NM 12	52	56	Fair	\$8,078,373.34
NM 264	4	6.2	Fair	\$6,447,134.76
NM 264	8.2	14.2	Fair	\$15,197,000.00
NM 36	57.9	59.9	Fair	\$16,163,940.00
NM 371	0	4	Fair	\$6,042,833.34
NM 371	28	34	Fair	\$23,882,256.66
NM 4	20	26	Fair	\$15,897,006.68
NM 537	0	2	Fair	\$21,129,333.34
NM 53	65.1	67.1	Fair	\$1,405,300.00
NM 568	0	1.2	Fair	\$1,756,671.88
NM 602	6	10	Fair	\$6,990,620.00
NM 602	24	26	Fair	\$3,545,966.66
NM 602	29	29.5	Fair	\$910,725.82
NM 610	0	2	Fair	\$4,609,582.14

# EMPLOYEE RECOGNITION



2021 District Employee of the Year  
- Angela Baca, Business Manager

# EMPLOYEE RECOGNITION



## 2021 District Crew of the Year - Gallup Project Office 2

DeWyett **Shirley** (Eng. Tech Supervisor III);  
Gilbert **Turner** (Eng. Tech Supervisor II);  
Nicholas **Peterman** (Eng. Tech III);  
Lane **Hunt** (Eng. Tech III);  
Delphine **Mexicano** (Eng. Tech III);  
Jose **Sanchez** (Eng. Tech II);  
Daniel **Bitsie** (Eng. Tech II);  
Gilbert **Young** (Eng. Tech II);  
Kyler **Begay** (Eng. Tech I)

# EMPLOYEE RECOGNITION



## 2021 Best Patrol - Mesita Patrol

Thomas Vallo  
Matthew Dominguez  
Andrew Chavez  
Eric Rael  
Jaime Grijalva-Perez  
Allen Montano  
Richard Chavez

# **Agenda Item 11**

## **Staff Briefings**

# **Agenda Item 11a**

## Secretary Report

# Commission Brief

**SUBJECT:** Secretary Report

**PRESENTER:** Ricky Serna, Cabinet Secretary, NMDOT

**BACKGROUND:**

**ACTION:** No Action

# **Agenda Item 11b**

## **FHWA Report**

# Commission Brief

**SUBJECT:** FHWA Report

**PRESENTER:** Cindy Vigue, Division Administrator, FHWA

**BACKGROUND:**

**ACTION:** No Action

# **Agenda Item 12**

## Finance Reports

# **Agenda Item 12a**

## Financial Status Update

# Commission Brief

**SUBJECT:**

**FY23 Operating Budget and Financial Report – August 31, 2022**

**PRESENTER:** Mallery Manzanares, Administrative Service Director

**BACKGROUND:**

**ACTION:** No Action

	A	B	C	D	E		F	G	
1	<b>FY2023 NMDOT Financial Summary as of August 31, 2022</b>								1
2									2
3	<b>STATE ROAD FUND ONLY</b>								3
4	<b>(Dollars in Millions)</b>								4
5									5
6		<b>Begin FY23</b>	<b>+FY23</b>	<b>+FY23</b>	<b>COMBINED</b>		<b>Actual FY23</b>		6
7		<b>OPBUD</b>	<b>Rollover</b>	<b>BARS</b>	<b>FY23 BUDGET</b>		<b>Rev/Exp</b>	<b>PCT</b>	7
8	<b><u>Revenues</u></b>								8
9	<b><u>CURRENT INFLOWS</u></b>								9
10	State Funds	\$ 532.1	\$ -	\$ -	\$ 532.1		\$ 16.5	3.1%	10
11	FHWA Funding	\$ 486.0	\$ 498.6	\$ -	\$ 984.6		\$ 56.3	5.7%	11
12	Transfer From Other Agency	\$ 8.0	\$ -	\$ -	\$ 8.0		\$ -	0.0%	12
13	Fund Balance Reserves	\$ 65.6	\$ 181.6	\$ -	\$ 247.2		\$ -	0.0%	13
14	<b>1) TOTAL INFLOWS (REVENUES):</b>	<b>\$1,091.7</b>	<b>\$680.2</b>	<b>\$0.0</b>	<b>\$1,771.9</b>		<b>\$72.8</b>	<b>4.1%</b>	14
15									15
16	<b><u>Expenditures</u></b>								16
17	<b><u>CURRENT OUTFLOWS:</u></b>								17
18	Personnel Services	\$ 200.4	\$ -	\$ -	\$ 200.4		\$ 30.1	15.0%	18
19	Contractual Services	\$ 585.7	\$ 642.4	\$ -	\$ 1,228.1		\$ 48.2	3.9%	19
20	Other Operating Costs	\$ 137.3	\$ 37.8	\$ -	\$ 175.1		\$ 16.9	9.7%	20
21	CAT 500 Transfer Out	\$ -	\$ -	\$ -	\$ -		\$ -	0.0%	21
22	Debt Service	\$ 168.3	\$ -	\$ -	\$ 168.3		\$ 30.3	18.0%	22
23	<b>2) TOTAL OUTFLOWS - EXPENDITURES:</b>	<b>\$1,091.7<sub>087</sub></b>	<b>\$680.2</b>	<b>\$0.0</b>	<b>\$1,771.9</b>		<b>\$125.5</b>	<b>7.1%</b>	23

	A	B	C	D	E	F	G	
1	<b>FY2023 NMDOT Financial Summary as of August 31, 2022</b>							1
2								2
3	<b>RESTRICTED FUNDS ONLY</b>							3
4	(Dollars in Millions)							4
5								5
6		<b>Begin FY23</b>	<b>+FY23</b>	<b>+FY23</b>	<b>COMBINED</b>	<b>Actual FY23</b>		6
7		<b>OPBUD</b>	<b>Rollover</b>	<b>BARS</b>	<b>FY23 BUDGET</b>	<b>Rev/Exp</b>	<b>PCT</b>	7
8								8
9	<b>CURRENT INFLOWS:</b>							9
10	21170- Transportation Project Fund (Restricted)	\$ 46.8	\$ -	\$ -	\$ 46.8	\$ 4.3	9.2%	10
11	21170- Transportation Project Fund Reserves	\$ -	\$ 28.5	\$ -	\$ 28.5	\$ -	0.0%	11
12	20200- Highway Infrastructure Fund (Restricted)	\$ 8.8	\$ -	\$ -	\$ 8.8	\$ 0.2	2.3%	12
13	20200- Highway Infrastructure Fund Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	13
14	20300- Local Gov't Road Fund (Restricted)	\$ 27.6	\$ -	\$ -	\$ 27.6	\$ 0.3	1.1%	14
15	20300- Local Gov't Road Fund Reserves	\$ -	\$ 22.8	\$ -	\$ 22.8	\$ -	0.0%	15
16	20500- Aviation Fund - Federal (Restricted)	\$ 5.9	\$ -	\$ -	\$ 5.9	\$ 0.2	3.4%	16
17	20500- Aviation Fund Balance Reserves	\$ -	\$ 10.6	\$ -	\$ 10.6	\$ -	0.0%	17
18	Traffic Safety Funds (5 Restricted Funds)	\$ 2.4	\$ -	\$ -	\$ 2.4	\$ 0.1	4.2%	18
19	Traffic Safety Fund Balance Reserves	\$ -	\$ 1.8	\$ -	\$ 1.8	\$ -	0.0%	19
20	10010- NHTSA Funding-(Reimbursement Basis)	\$ 15.9	\$ 11.4	\$ -	\$ 27.3	\$ 1.9	7.0%	20
21	10030- FTA Funding-(Reimbursement Basis)	\$ 19.3	\$ 38.3	\$ -	\$ 57.6	\$ 0.0	0.0%	21
22	89300- State Infrastructure Bank Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	22
23	<b>1) TOTAL INFLOWS (REVENUES):</b>	<b>\$126.7</b>	<b>\$113.4</b>	<b>\$0.0</b>	<b>\$240.1</b>	<b>\$7.0</b>	<b>2.9%</b>	23
24								24
25	<b>CURRENT OUTFLOWS:</b>							25
26	Personnel Services	\$ 2.4	\$ -	\$ -	\$ 2.4	\$ 0.4	16.7%	26
27	Contractual Services	\$ 13.4	\$ 6.4	\$ -	\$ 19.8	\$ 0.4	2.0%	27
28	Other Operating Costs	\$ 102.1	\$ 107.0	\$ -	\$ 209.1	\$ 3.9	1.9%	28
29	CAT 500 Transfer Out	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	29
30	Debt Service	\$ 8.8	\$ 088 -	\$ -	\$ 8.8	\$ 1.5	17.0%	30
31	<b>2) TOTAL OUTFLOWS (EXPENDITURES):</b>	<b>\$126.7</b>	<b>\$113.4</b>	<b>\$0.0</b>	<b>\$240.1</b>	<b>\$6.2</b>	<b>2.6%</b>	31

**CASH BALANCES FOR OPERATING BUDGET FUNDS**

(Balances as of Trial Balances on July 30,2022)

NMDOT-FUNDS		Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22
1	ROAD FUND (10040,20100)	293,490,628	386,878,699	356,330,673	360,194,289	367,123,600	362,737,623	368,742,712	372,078,275	344,053,547	375,719,769	465,279,182	503,147,576	443,405,020
2	Local Government Road Fund (20300) Restricted	37,209,644	38,144,292	39,041,538	38,983,403	38,103,578	38,161,591	38,748,864	38,662,324	38,482,360	38,181,406	39,024,733	41,297,115	40,020,974
3	Transportation Project Fund (21170) Restricted		8,133,328	12,251,416	16,396,120	19,839,237	22,697,787	26,208,057	29,627,843	25,051,693	33,667,642	33,550,286	38,013,577	42,285,674
4	Highway Infrastructure Fund (20200) Restricted	2,795,850	3,424,214	3,858,964	4,399,079	4,946,363	5,650,292	5,654,027	5,892,665	6,012,766	6,902,880	7,665,914	8,498,554	7,886,697
5	State Infrastructure Fund (89300) Restricted	11,089,516	11,089,516	11,089,516	11,089,516	11,089,516	11,089,516	11,089,516	11,089,516	11,089,516	11,096,768	11,882,917	11,882,917	11,997,163
6	Aviation Fund (20500) Restricted	12,134,955	12,261,344	12,622,946	12,889,498	13,325,911	13,733,854	14,134,984	14,576,476	14,935,883	15,517,303	15,359,255	16,051,732	16,101,174
7	Traffic Safety Funds (10020,20600,20700,20800) Restricted	2,928,217	3,114,623	3,215,188	3,078,389	3,166,150	3,060,038	3,040,667	3,090,791	3,075,858	3,117,105	3,195,174	3,312,225	3,279,390
8	National Highway Traffic Safety Administration (10010) Federal	(1,179,066)	(1,646,385)	(1,730,172)	(2,504,959)	(1,157,475)	(1,965,023)	(1,888,945)	(2,223,210)	(2,558,440)	(3,618,860)	(1,875,066)	(1,986,504)	(664,836)
9	Federal Transit Administration (10030) Federal	(213,289)	(1,096,245)	(2,736,922)	(2,017,400)	(655,357)	(810,001)	(1,541,066)	(763,025)	(2,104,844)	(1,436,664)	(4,367,646)	(4,367,646)	(1,251,982)
10	Ignition Interlock (82600) Restricted	2,191,267	2,212,394	2,229,065	2,215,343	2,175,202	2,172,444	2,154,000	2,140,122	2,096,038	2,110,333	2,087,984	2,122,834	2,360,578
11	RESTRICTED FUND TOTALS	66,957,095	75,637,082	79,841,540	84,528,988	90,833,125	93,790,498	97,600,103	102,093,502	96,080,830	105,537,913	106,523,550	114,824,806	122,014,832
12	TOTAL CASH BALANCES	360,447,724	462,515,781	436,172,213	444,723,276	457,956,725	456,528,121	466,342,815	474,171,777	440,134,377	481,257,682	571,802,732	617,972,381	565,419,853

1	FY23 FUND BALANCES AS OF JUNE 30, 2023						1
2				(Less)		"Projected"	2
3		Un-Audited	(Less)	Encumbrance	(Less)	Unbudgeted	3
4		Fund Balances	Re-Budgeted in	Rollover-Non-Federal	FY23	Fund Balances	4
5	<u>NMDOT-FUNDS</u>	<u>6/30/2022</u>	<u>Begin FY23 Budget</u>	<u>FY22/23 Budget</u>	<u>BARS &amp; OPRS</u>	<u>6/30/2023</u>	5
6	<b>Unrestricted:</b>						6
7	ROAD FUND (20100)+ INVENTORY (10040)	460,656,544	(65,596,600)	(181,629,973)	(177,449,171)	35,980,800	7
8							8
9							9
10	<b>Restricted Funds:</b>						10
11	NHTSA (10010)	0		(11,444,841)		(11,444,841)	11
12	DRIVER IMPROVEMENT (10020)	177,701		(92,639)		85,062	12
14	FTA (10030)	0		(38,266,784)		(38,266,784)	14
15	HIF (20200)	7,665,914				7,665,914	15
16	LOCAL GOVT (20300)	39,024,733		(22,764,042)		16,260,691	16
17	AVIATION (20500)	15,065,265	(42,800)	(10,590,341)		4,432,124	17
18	MOTORCYCLE (20600)	0				0	18
19	DWI PREVENTION (20700)	1,241,743		(273,137)		968,606	19
20	STATE TRAFFIC SAFETY (20800)	1,708,125		(1,304,828)		403,297	20
21	TRANSPORTATION PROJECT FUND (21170)	33,550,286		(28,494,235)		5,056,051	21
22	DOE (43100)	0				0	22
23	SIB (89300)	22,354,417				22,354,417	23
24	INTERLOCK (82600)	2,075,396	(5,300)	(115,624)		1,954,472	24
25	Total Restricted Funds:	122,863,579	(48,100)	(113,346,471)	0	9,469,008	25
26							26
27	<b>TOTAL OPERATING FUND BALANCES</b>	<u>583,520,123</u>	<u>(65,644,700)</u>	<u>(294,976,444)</u>	<u>(177,449,171)</u>	<u>45,449,808</u>	27

# **Agenda Item 12b**

Action Item: FY24  
Budget Request

# Commission Brief

**SUBJECT:**

**FY24 Budget Request**

**PRESENTER:** Mallery Manzanares, Administrative Service Director

**BACKGROUND:**

**ACTION:** Respectfully seeking approval.

# FY24 Budget Request

Fiscal Year: July 2023- June 2024

# State Road Fund Revenue

NMDOT

## July 2022 Road Fund Forecast

NMDOT State Revenue Sources - Fiscal Years 2010 thru 2026

Table 1

(Dollars in thousands)

	A	B	C	D	E	F	G	H	I	J	K	L	N	O	P	Q	(Q-O)	(Q-O/O)	R	S
	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23		FY24	FY23 to FY24		FY25	FY26
														Jan-22 Leg. Estimate	Jul-22 Revenue Update	Jul-22 Bud. Req Estimate	Budget Growth		Jul-22 Long Estimate	Jul-22 Long Estimate
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual				\$ Change	% Diff		
<b>Road Fund:</b>																				
<b>Road Fund -- Ordinary Revenue:</b>																				
1 Gasoline Tax	109,163	109,282	104,987	111,795	107,998	110,672	110,892	113,022	116,147	117,365	111,778	116,278	114,815	117,500	117,200	117,200	(300)	-0.3%	117,200	117,100
2 Special Fuel Tax	88,029	91,078	92,326	92,563	92,923	97,566	97,341	100,066	108,141	113,383	118,279	122,092	136,854	133,600	139,100	141,200	7,600	5.7%	144,600	148,500
3 Weight/Distance	69,598	74,916	72,786	73,489	75,367	79,985	82,990	84,008	86,278	94,016	92,251	99,685	105,312	106,100	109,100	110,700	4,600	4.3%	112,900	115,900
4 Vehicle Registration	72,863	73,445	75,626	74,135	76,218	75,455	80,774	79,232	80,204	82,453	79,312	84,863	84,632	84,490	84,840	84,410	(80)	-0.1%	86,190	87,170
5 Trip Tax	5,488	5,973	5,689	5,045	4,666	5,232	5,973	5,951	6,124	6,758	6,227	8,044	9,382	9,300	8,800	8,800	(500)	-5.4%	9,000	9,000
6 Driver's License	4,493	4,718	4,424	4,227	4,193	4,158	3,841	3,816	4,191	4,117	4,028	4,629	4,571	4,700	4,630	4,630	(70)	-1.5%	4,630	4,630
7 Oversize/Overweight	3,778	4,687	4,820	4,805	5,026	5,229	4,997	5,104	6,412	7,225	7,173	7,028	7,249	7,640	7,470	7,810	170	2.2%	7,890	8,280
8 Public Regulatory Commission Fees (UCR)	1,420	2,740	881	3,191	2,009	3,362	3,403	3,291	3,359	5,891	2,933	3,686	3,364	3,300	3,300	3,300	-	0.0%	3,300	3,300
9 MVD Miscellaneous	2,735	2,725	2,991	3,100	3,302	3,509	5,426	5,260	6,322	6,407	5,510	4,571	5,424	5,000	5,500	5,500	500	10.0%	5,600	5,600
10 Vehicle Transaction	1,041	1,065	1,114	1,163	1,200	1,173	1,298	1,158	1,153	1,148	1,003	1,123	1,101	1,200	1,200	1,200	-	0.0%	1,200	1,200
11 Motor Vehicle Excise Tax*	0	0	0	0	0	0	0	0	0	6,562	5,934	7,489	56,492	54,580	57,800	55,800	1,220	2.2%	55,000	56,300
12 Subtotal Ordinary Income	358,609	370,629	365,645	373,513	372,902	386,340	396,935	400,910	418,330	445,325	434,428	459,488	529,196	527,410	538,940	540,550	13,140	2.5%	547,510	556,980
<b>Road Fund -- Extraordinary Income:</b>																				
13 All Other (Reimbursements, Asset Sales, etc.)	6,568	6,584	10,375	10,354	6,493	12,365	5,442	5,594	6,094	8,651	8,493	3,844	11,269	2,200	2,200	2,200	-	0.0%	2,200	2,200
14 Rail Runner Track Maintenance Fees	2,000	2,350	17	2,014	1,782	2,143	3,031	4,989	4,202	2,938	3,229	4,506	5,187	2,000	2,000	2,000	-	0.0%	2,000	2,000
15 Road Fund Interest	16	95	108	209	80	39	133	310	1,037	4,222	6,316	345	522	535	535	500	(35)	-6.5%	500	500
16 Subtotal Extraordinary Income	8,584	9,029	10,500	12,576	8,355	14,547	8,607	10,893	11,333	15,811	18,037	8,694	16,978	4,735	4,735	4,700	(35)	-0.7%	4,700	4,700
<b>17 TOTAL (Recurring) ROAD FUND</b>	<b>367,193</b>	<b>379,658</b>	<b>376,145</b>	<b>386,089</b>	<b>381,257</b>	<b>400,887</b>	<b>405,542</b>	<b>411,803</b>	<b>429,663</b>	<b>461,136</b>	<b>452,465</b>	<b>468,182</b>	<b>546,174</b>	<b>532,145</b>	<b>543,675</b>	<b>545,250</b>	<b>13,105</b>	<b>2.5%</b>	<b>552,210</b>	<b>561,680</b>
18 WIPP Settlement (Nonrecurring)							7,200	-	26,800	-	-	-	-	-	-	-	-	-	-	-
19 Motor Vehicle Excise Tax to D2 (1% point) in FY20-21							-	-	-	-	47,591	60,202	sunset	sunset	sunset	sunset	-	-	sunset	sunset
<b>20 TOTAL ROAD FUND</b>	<b>367,193</b>	<b>379,658</b>	<b>376,145</b>	<b>386,089</b>	<b>381,257</b>	<b>400,887</b>	<b>412,742</b>	<b>411,804</b>	<b>456,463</b>	<b>461,136</b>	<b>500,056</b>	<b>528,384</b>	<b>546,174</b>	<b>532,145</b>	<b>543,675</b>	<b>545,250</b>	<b>13,105</b>	<b>2.5%</b>	<b>552,210</b>	<b>561,680</b>

\* 0.12% points till FY21; 0.87% points in FY22 and thereafter

# Restricted Revenue

NMDOT

## July 2022 Road Fund Forecast

	A	B	C	D	E	F	G	H	I	J	K	L	N	O	P	Q	(Q-O)	(Q-O/O)	R	S
	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY23 to FY24			FY25	FY26
(Dollars in thousands)	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Jan-22 Bud Estimate	Jul-22 Revenue Update	Jul-22 Estimate	Budget Growth \$ Change	% Diff	Jul-22 Run Estimate	Jul-22 Run Estimate
<b>Other Funds:</b>																				
<b>Highway Infrastructure Fund:</b>																				
21 Leased Vehicle Gross Receipts	5,397	5,657	5,731	5,214	5,889	5,773	5,949	5,964	6,220	6,760	5,345	4,118	7,114	6,770	6,600	6,860	90	1.3%	7,250	7,700
22 Tire Recycling Fees	1,791	1,806	1,831	1,807	1,836	1,810	1,943	1,868	1,878	1,910	1,849	1,995	1,932	2,000	1,920	1,930	(70)	-3.5%	1,940	1,950
23 Highway Infrastructure Fund Interest	18	16	16	25	7	6	13	11	13	74	94	4	7	6	6	6	-	0.0%	6	6
24 Total Highway Infrastructure Fund	7,206	7,479	7,579	7,047	7,732	7,589	7,905	7,842	8,111	8,744	7,288	6,117	9,053	8,776	8,526	8,796	20	0.2%	9,196	9,656
25 Total State Infrastructure Bank	597	83	29	45	15	17	45	105	177	527	328	15	22	24	24	24	-	0.0%	24	24
<b>Local Governments Road Fund:</b>																				
26 Local Governments Road Fund Interest	24	33	30	46	15	19	50	115	208	782	908	47	71	70	70	70	-	0.0%	70	70
27 Special Fuel	9,200	9,546	9,659	9,709	9,753	10,218	10,185	10,478	11,301	11,830	12,341	12,749	14,270	13,980	14,560	14,780	800	5.7%	15,140	15,550
28 PPL Fee	6,725	6,775	6,612	6,926	6,768	6,986	7,000	7,165	7,485	7,651	7,561	7,788	7,943	8,130	8,260	8,310	180	2.2%	8,400	8,490
29 DWI reinstatement fees & ID cards	784	1,015	971	929	896	896	919	783	787	795	727	747	845	815	850	850	35	4.3%	850	850
30 Gasoline Tax (MAP)	2,145	2,147	2,066	2,195	2,123	2,174	2,178	2,218	2,277	2,300	2,195	2,280	2,252	2,305	2,300	2,300	(5)	-0.2%	2,300	2,300
31 Leased Vehicle Gross Receipts	1,799	1,886	1,910	1,738	1,963	1,924	1,983	1,988	2,073	2,253	1,782	1,373	2,371	2,260	2,200	2,290	30	1.3%	2,420	2,570
32 Total Local Governments Road Fund	20,677	21,402	21,249	21,543	21,518	22,217	22,314	22,748	24,130	25,611	25,514	24,984	27,752	27,560	28,240	28,600	1,040	3.8%	29,180	29,830
<b>Transportation Project Fund:</b>																				
33 Motor Vehicle Excise Tax (0.75% points)**													48,411	46,820	52,550	50,840	4,020	8.6%	50,200	51,660
34 Total Transportation Project Fund:													48,411	46,820	52,550	50,840	4,020	8.6%	50,200	51,660
<b>Aviation Fund:</b>																				
35 Gasoline Taxes (Aviation)	387	387	372	395	383	392	393	400	411	415	396	412	407	416	415	415	(1)	-0.2%	415	414
36 Jet Fuel GRT	1,852	1,667	2,808	1,952	1,542	1,243	661	639	1,042	1,002	690	195	2,565	860	900	1,000	140	16.3%	1,000	1,000
37 Aircraft License Fees	74	66	68	60	69	48	64	50	52	56	54	50	38	53	40	45	(8)	-15.1%	45	50
38 0.046% General Fund GRT (Air Service)	779	855	747	0	1,106	1,009	931	951	1,103	1,284	1,430	1,374	1,651	1,520	1,520	1,560	40	2.6%	1,610	1,660
39 General Fund (2007 Enhancement)	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	-	0.0%	3,000	3,000
40 Aviation Fund Interest Earnings	8	16	20	36	12	14	31	56	98	409	493	19	27	30	30	30	-	0.0%	30	30
41 Total Aviation Fund Income	6,100	5,991	7,016	5,443	6,112	5,707	5,080	5,097	5,706	6,166	6,063	5,049	7,688	5,879	5,905	6,050	171	2.9%	6,100	6,154
<b>Transportation Fund:</b>																				
42 Motorcycle Registration (Fund 20600)	130	135	138	135	133	135	133	114	127	123	115	124	120	125	125	125	-	0.0%	125	125
43 Motorcycle Transportation Fund Interest (Fund 20600)	1	0	0	0	0	0	0	0	0	0	0	1	0	-	-	-	-	-	-	-
44 Driver Improvement Fees (Fund 10020)	331	349	340	319	271	274	256	226	243	222	182	189	193	200	200	200	-	0.0%	200	200
45 DWI Prevention (Fund 20700)	650	486	530	513	517	487	472	421	434	446	368	426	434	460	440	450	(10)	-2.2%	460	460
46 Traffic Safety Fees (Fund 20800)	469	446	419	390	526	404	1,090	632	640	601	460	401	434	480	440	440	(40)	-8.3%	440	440
47 Traffic Safety Fees Interest (Fund 20800)	3	3	2	2	1	0	2	7	11	51	62	2	3	4	4	4	0	8.1%	4	4
48 Community DWI Prevention Fee (Fund 20800)	1,000	1,017	838	789	363	426	513	375	363	360	337	328	300	340	320	330	(10)	-2.9%	330	340
49 Red Light Fees (from AOC) (Fund 20800)			144	153	158	109	0	0	0	0	0	0	0	-	-	-	-	-	-	-
50 Traffic Safety - Interlock Device (Fund 82600)	700	2,029	1,167	1,054	810	777	755	704	415	426	352	418	414	440	425	430	(10)	-2.3%	440	440
51 Total Transportation Fund Income	3,284	4,466	3,578	3,356	2,779	2,611	3,221	2,480	2,233	2,228	1,878	1,889	1,898	2,049	1,954	1,979	(70)	-3.4%	1,999	2,009
52 TOTAL Restricted Funds Revenue	37,863	39,421	39,450	37,434	38,156	38,141	38,564	38,271	40,357	43,276	41,071	38,056	94,824	91,108	97,199	96,289	5,181	5.7%	96,699	99,333
53 TOTAL (Recurring) NMDOT Revenue	405,056	419,079	415,595	423,523	419,413	439,028	444,106	450,074	470,020	504,412	493,536	506,238	640,998	623,253	640,874	641,539	18,286	2.9%	648,909	661,013
54 WIPP Settlement (Nonrecurring)							7,200		26,800											
55 Motor Vehicle Excise Tax to D2 (1% point)											47,591	60,202	sunset	sunset	sunset	sunset			sunset	sunset
56 TOTAL NMDOT STATE REVENUES	405,056	419,079	415,595	423,523	419,413	439,028	451,306	450,074	496,820	504,412	541,126	566,440	640,998	623,253	640,874	641,539	18,286	2.9%	648,909	661,013

\*\*SB 20 (2021) transferred the Motor Vehicle Excise distribution from the LGRF to the Transportation Project Fund

# Agency

Request: \$1.2 billion, a \$34.6 million decrease from the FY23 Operating Budget.

- **This appropriation is supported by (Revenues):**
  - \$545.2 million of State Road Fund.
  - \$96.3 million of Restricted Fund.
  - \$8.3 million of transfer from TRD and DFA.
  - \$534.0 million of Federal Revenue.
- **Program Budget:**
  - \$763.3 million Project, Design & Construction.
  - \$295.0 million Highway Operations.
  - \$49.0 million Business Support.
  - \$76.5 million Modal.
- **FY24 Request Vs. FY23 Operating Budget:**
  - State Revenue increased by \$13.1 million.
  - Restricted Revenue increased by \$5.2 million.
  - Federal Revenue increased by \$12.7 million.
  - Elimination of \$65.6 million of State Road Fund and Restrict Fund Balance.

AGENCY	A	B	C
	FY23 Operating Budget	FY24 Budget Request	Dollar Change (B-A)
<b>1 Expenditures</b>			
2 200 - Personal Services and Employee Benefits	\$202,732.5	\$202,681.6	(\$50.9)
3 300 - Contractual Services	\$599,074.4	\$573,288.4	(\$25,786.0)
4 400 - Other	\$416,593.4	\$407,821.6	(\$8,771.8)
5 500 - Other Financing Uses	\$0.0	\$0.0	\$0.0
<b>6 Total Expenditures</b>	<b>\$1,218,400.3</b>	<b>\$1,183,791.6</b>	<b>(\$34,608.7)</b>
<b>9 Revenues</b>			
<b>10 State Revenues</b>			
11 State Road Fund (SRF)	\$532,145.0	\$545,250.0	\$13,105.0
12 Highway Infrastructure Fund (HIF) -- Restricted	\$8,776.0	\$8,796.0	\$20.0
13 State Infrastructure Bank (SIB) -- Restricted	\$0.0	\$0.0	\$0.0
14 Local Government Road Fund (LGRF) -- Restricted	\$27,560.0	\$28,600.0	\$1,040.0
15 Transportation Project Fund (TPF)- Restricted	\$46,820.0	\$50,840.0	\$4,020.0
16 State Aviation Fund -- Restricted	\$5,879.0	\$6,050.0	\$171.0
17 Transportation/Traffic Safety Funds -- Restricted	\$2,049.0	\$1,979.0	(\$70.0)
<b>18 Total State Revenues</b>	<b>\$623,229.0</b>	<b>\$641,515.0</b>	<b>\$18,286.0</b>
<b>19 Other Revenues</b>			
20 Transfers from Other State Agencies	\$8,300.0	\$8,300.0	\$0.0
<b>21 Other Revenues</b>	<b>\$8,300.0</b>	<b>\$8,300.0</b>	<b>\$0.0</b>
<b>22 Restricted Fund Balances</b>			
23 State Infrastructure Bank	\$0.0	\$0.0	\$0.0
24 Aviation Fund	\$42.8	\$0.0	(\$42.8)
25 Traffic Safety	\$5.3	\$0.0	(\$5.3)
26 Local Government Road Fund	\$0.0	\$0.0	\$0.0
27 HIF	\$0.0	\$0.0	\$0.0
28 WIPP	\$0.0	\$0.0	\$0.0
<b>29 State Road Fund Balances</b>	<b>\$65,596.6</b>	<b>\$0.0</b>	<b>(\$65,596.6)</b>
<b>30 Total Fund Balances</b>	<b>\$65,644.7</b>	<b>\$0.0</b>	<b>(\$65,644.7)</b>
<b>31 General Funding Estimates</b>			
32 General Fund	\$0.0	\$0.0	\$0.0
<b>33 Total General Fund</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>
<b>34 Federal Funding Estimates</b>			
35 FHWA Funding	\$486,000.0	\$498,720.0	\$12,720.0
36 National Highway Traffic Safety Administration	\$15,884.1	\$15,884.1	\$0.0
37 Waste Isolation Pilot Plant (WIPP)	\$0.0	\$0.0	\$0.0
38 Federal Transit Administration (FTA)	\$19,342.5	\$19,372.5	\$30.0
<b>39 Total Federal Revenues</b>	<b>\$521,226.6</b>	<b>\$533,976.6</b>	<b>\$12,750.0</b>
<b>40 Total Revenues</b>	<b>\$1,218,400.3</b>	<b>\$1,183,791.6</b>	<b>(\$34,608.7)</b>

NMDOT

# Project Design & Construction

Request: \$763.3 million; a \$10.7 million decrease from our FY23 Operating Budget.

*This program encompasses construction activities, planning, debt service, local government fund and the transportation project fund. The operating budget is supported by: \$179.4 from State Road Fund revenue, \$88.2 million of Restricted Fund revenue and \$495.7 million of Federal Fund revenue.*

## Highlighted Items:

- \$194.0 million Debt Service
- \$347.4 million Construction Projects.
- \$28.6 million Local Government Road Fund.
- \$50.8 million Transportation Project Fund.

NMDOT

Project Design and Construction				
	A	B	C	
	FY23 Operating Budget	FY24 Budget Request	Dollar Change (B-A)	
<b>P562</b>				
1 <b>Expenditures</b>				1
2 200 - Personal Services and Employee Benefits	\$30,698.3	\$30,698.3	\$0.0	2
3 300 - Contractual Services	\$480,166.5	\$468,394.9	(\$11,771.6)	3
4 400 - Other	\$263,163.0	\$264,243.0	\$1,080.0	4
5 500 - Other Financing Uses	\$0.0	\$0.0	\$0.0	5
6 <b>Total Expenditures</b>	<b>\$774,027.8</b>	<b>\$763,336.2</b>	<b>(\$10,691.6)</b>	6
7				7
8				8
9 <b>Revenues</b>				9
10 <b>State Revenues</b>				10
11 State Road Fund (SRF)	\$177,519.0	\$179,380.2	\$1,861.2	11
12 Highway Infrastructure Fund (HIF) -- Restricted	\$8,776.0	\$8,796.0	\$20.0	12
13 State Infrastructure Bank (SIB) -- Restricted	\$0.0	\$0.0	\$0.0	13
14 Local Government Road Fund (LGRF) -- Restricted	\$27,560.0	\$28,600.0	\$1,040.0	14
15 Transportation Project Fund- Restricted	\$46,820.0	\$50,840.0	\$4,020.0	15
16 State Aviation Fund -- Restricted	\$0.0	\$0.0	\$0.0	16
17 Transportation/Traffic Safety Funds -- Restricted	\$0.0	\$0.0	\$0.0	17
18 <b>Total State Revenues</b>	<b>\$260,675.0</b>	<b>\$267,616.2</b>	<b>\$6,941.2</b>	18
19 <b>Other Revenues</b>				19
20 Transfers from Other State Agencies	\$0.0	\$0.0	\$0.0	20
21 <b>Other Revenues</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	21
22 <b>Restricted Fund Balances</b>				22
23 State Infrastructure Bank	\$0.0	\$0.0	\$0.0	23
24 Aviation Fund	\$0.0	\$0.0	\$0.0	24
25 Traffic Safety	\$0.0	\$0.0	\$0.0	25
26 Local Government Road Fund	\$0.0	\$0.0	\$0.0	26
27 HIF	\$0.0	\$0.0	\$0.0	27
28 WIPP	\$0.0	\$0.0	\$0.0	28
29 <b>State Road Fund Balances</b>	<b>\$30,352.8</b>	<b>\$0.0</b>	<b>(\$30,352.8)</b>	29
30 <b>Total Fund Balances</b>	<b>\$30,352.8</b>	<b>\$0.0</b>	<b>(\$30,352.8)</b>	30
31 <b>General Funding Estimates</b>				31
32 General Fund	\$0.0	\$0.0	\$0.0	32
33 <b>Total General Fund</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	33
34 <b>Federal Funding Estimates</b>				34
35 FHWA Funding	\$483,000.0	\$495,720.0	\$12,720.0	35
36 National Highway Traffic Safety Administration	\$0.0	\$0.0	\$0.0	36
37 Waste Isolation Pilot Plant (WIPP)	\$0.0	\$0.0	\$0.0	37
38 Federal Transit Administration (FTA)	\$0.0	\$0.0	\$0.0	38
39 <b>Total Federal Revenues</b>	<b>\$483,000.0</b>	<b>\$495,720.0</b>	<b>\$12,720.0</b>	39
40 <b>Total Revenues</b>	<b>\$774,027.8</b>	<b>\$763,336.2</b>	<b>(\$10,691.6)</b>	40

# Highway Operations

Request: \$295.0 million; a \$23.0 million decrease from our FY23 Operating Budget.

*This program encompasses district operating budget, construction maintenance activities, field supplies and rest area maintenance and improvements. The operating budget is supported by: \$292.0 from State Road Fund revenue and \$3.0 million of Federal Fund revenue.*

## Highlighted Items:

- \$52.4 million for Contract Maintenance.
- \$40.0 million Field Supplies
- \$15.0 million Equipment.
- \$6.8 million Rest Area Maintenance/Improvements.
- \$10.4 million Striping.

NMDOT

Highway Operations			
	A	B	C
	FY23	FY24	Dollar
P563	Operating	Budget	Change
	Budget	Request	(B-A)
1 <b>Expenditures</b>			
2 200 - Personal Services and Employee Benefits	\$131,831.9	\$131,831.9	\$0.0
3 300 - Contractual Services	\$77,969.4	\$65,119.4	(\$12,850.0)
4 400 - Other	\$108,220.2	\$98,070.2	(\$10,150.0)
5 500 - Other Financing Uses	\$0.0	\$0.0	\$0.0
6 <b>Total Expenditures</b>	<b>\$318,021.5</b>	<b>\$295,021.5</b>	<b>(\$23,000.0)</b>
7			
8			
9 <b>Revenues</b>			
10 <b>State Revenues</b>			
11 State Road Fund (SRF)	\$282,722.2	\$292,021.5	\$9,299.3
12 Highway Infrastructure Fund (HIF) -- Restricted	\$0.0	\$0.0	\$0.0
13 State Infrastructure Bank (SIB) -- Restricted	\$0.0	\$0.0	\$0.0
14 Local Government Road Fund (LGRF) -- Restricted	\$0.0	\$0.0	\$0.0
15 Transportation Project Fund (TPF)- Restricted	\$0.0	\$0.0	\$0.0
16 State Aviation Fund -- Restricted	\$0.0	\$0.0	\$0.0
17 Transportation/Traffic Safety Funds -- Restricted	\$0.0	\$0.0	\$0.0
18 <b>Total State Revenues</b>	<b>\$282,722.2</b>	<b>\$292,021.5</b>	<b>\$9,299.3</b>
19 <b>Other Revenues</b>			
20 Transfers from Other State Agencies	\$0.0	\$0.0	\$0.0
21 <b>Other Revenues</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>
22 <b>Restricted Fund Balances</b>			
23 State Infrastructure Bank	\$0.0	\$0.0	\$0.0
24 Aviation Fund	\$0.0	\$0.0	\$0.0
25 Traffic Safety	\$0.0	\$0.0	\$0.0
26 Local Government Road Fund	\$0.0	\$0.0	\$0.0
27 HIF	\$0.0	\$0.0	\$0.0
28 WIPP	\$0.0	\$0.0	\$0.0
29 <b>State Road Fund Balances</b>	<b>\$32,299.3</b>	<b>\$0.0</b>	<b>(\$32,299.3)</b>
30 <b>Total Fund Balances</b>	<b>\$32,299.3</b>	<b>\$0.0</b>	<b>(\$32,299.3)</b>
31 <b>General Funding Estimates</b>			
32 General Fund	\$0.0	\$0.0	\$0.0
33 <b>Total General Fund</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>
34 <b>Federal Funding Estimates</b>			
35 FHWA Funding	\$3,000.0	\$3,000.0	\$0.0
36 National Highway Traffic Safety Administration	\$0.0	\$0.0	\$0.0
37 Waste Isolation Pilot Plant (WIPP)	\$0.0	\$0.0	\$0.0
38 Federal Transit Administration (FTA)	\$0.0	\$0.0	\$0.0
39 <b>Total Federal Revenues</b>	<b>\$3,000.0</b>	<b>\$3,000.0</b>	<b>\$0.0</b>
40 <b>Total Revenues</b>	<b>\$318,021.5</b>	<b>\$295,021.5</b>	<b>(\$23,000.0)</b>

# Business Support

Request: \$49.0 million; a \$1.0 million decrease from our FY23 Operating Budget.

*This program encompasses all supporting departments, such as Executive Staff, Legal, Finance, Human Resources, Building and Grounds and Information Technology. The operating budget is supported by: \$49.0 million from State Road Fund revenue.*

## Highlighted Items:

- \$3.5 million DoIT Charges.
- \$9.5 million General Services.
- \$7.3 million Executive Staff.
- \$24.5 million Business Support Operations.
- \$17.1 million Information Technology.

NMDOT

Business Support				
P564				
	A FY23 Operating Budget	B FY24 Budget Request	C Dollar Change (B-A)	
1 Expenditures				1
2 200 - Personal Services and Employee Benefits	\$29,759.2	\$29,759.2	\$0.0	2
3 300 - Contractual Services	\$7,060.7	\$6,060.7	(\$1,000.0)	3
4 400 - Other	\$13,147.5	\$13,147.5	\$0.0	4
5 500 - Other Financing Uses	\$0.0	\$0.0	\$0.0	5
6 Total Expenditures	\$49,967.4	\$48,967.4	(\$1,000.0)	6
7				7
8				8
9 Revenues				9
10 State Revenues				10
11 State Road Fund (SRF)	\$47,544.5	\$48,967.4	\$1,422.9	11
12 Highway Infrastructure Fund (HIF) -- Restricted	\$0.0	\$0.0	\$0.0	12
13 State Infrastructure Bank (SIB) -- Restricted	\$0.0	\$0.0	\$0.0	13
14 Local Government Road Fund (LGRF) -- Restricted	\$0.0	\$0.0	\$0.0	14
15 Transportation Project Fund (TPF)- Restricted	\$0.0	\$0.0	\$0.0	15
16 State Aviation Fund -- Restricted	\$0.0	\$0.0	\$0.0	16
17 Transportation/Traffic Safety Funds -- Restricted	\$0.0	\$0.0	\$0.0	17
18 Total State Revenues	\$47,544.5	\$48,967.4	\$1,422.9	18
19 Other Revenues				19
20 Transfers from Other State Agencies	\$0.0	\$0.0	\$0.0	20
21 Other Revenues	\$0.0	\$0.0	\$0.0	21
22 Restricted Fund Balances				22
23 State Infrastructure Bank	\$0.0	\$0.0	\$0.0	23
24 Aviation Fund	\$0.0	\$0.0	\$0.0	24
25 Traffic Safety	\$0.0	\$0.0	\$0.0	25
26 Local Government Road Fund	\$0.0	\$0.0	\$0.0	26
27 HIF	\$0.0	\$0.0	\$0.0	27
28 WIPP	\$0.0	\$0.0	\$0.0	28
29 State Road Fund Balances	\$2,422.9	\$0.0	(\$2,422.9)	29
30 Total Fund Balances	\$2,422.9	\$0.0	(\$2,422.9)	30
31 General Funding Estimates				31
32 General Fund	\$0.0	\$0.0	\$0.0	32
33 Total General Fund	\$0.0	\$0.0	\$0.0	33
34 Federal Funding Estimates				34
35 FHWA Funding	\$0.0	\$0.0	\$0.0	35
36 National Highway Traffic Safety Administration	\$0.0	\$0.0	\$0.0	36
37 Waste Isolation Pilot Plant (WIPP)	\$0.0	\$0.0	\$0.0	37
38 Federal Transit Administration (FTA)	\$0.0	\$0.0	\$0.0	38
39 Total Federal Revenues	\$0.0	\$0.0	\$0.0	39
40 Total Revenues	\$49,967.4	\$48,967.4	(\$1,000.0)	40

# Modal

Request: \$76.5 million; a \$82.9 thousand increase from our FY23 Operating Budget.

*This program encompasses all supporting departments, such as Transit and Rail, Aviation, Ports of Entry and Traffic Safety. The operating budget is supported by: \$24.9 million from State Road Fund revenue, \$8.0 million of Restricted Fund revenue, \$8.3 million transfer in from Taxation and Revenue Department and Department of Finance and \$35.3 million of Federal Fund revenue.*

## Highlighted Items:

- \$6.0 million Aviation Division
- \$8.0 million Ports of Entry
- \$25.8 million Traffic Safety
- \$36.6 million Transit and Rail

NMDOT

MODAL			
	A	B	C
	FY23	FY24	Dollar
	Operating	Budget	Change
	Budget	Request	(B-A)
<b>P565</b>			
1 <b>Expenditures</b>			
2 200 - Personal Services and Employee Benefits	\$10,443.1	\$10,392.2	(\$50.9)
3 300 - Contractual Services	\$33,877.8	\$33,713.4	(\$164.4)
4 400 - Other	\$32,062.7	\$32,360.9	\$298.2
5 500 - Other Financing Uses	\$0.0	\$0.0	\$0.0
6 <b>Total Expenditures</b>	<b>\$76,383.6</b>	<b>\$76,466.5</b>	<b>\$82.9</b>
7			
8			
9 <b>Revenues</b>			
10 <b>State Revenues</b>			
11 State Road Fund (SRF)	\$24,359.3	\$24,880.9	\$521.6
12 Highway Infrastructure Fund (HIF) -- Restricted	\$0.0	\$0.0	\$0.0
13 State Infrastructure Bank (SIB) -- Restricted	\$0.0	\$0.0	\$0.0
14 Local Government Road Fund (LGRF) -- Restricted	\$0.0	\$0.0	\$0.0
15 Transportation Project Fund (TPF)- Restricted	\$0.0	\$0.0	\$0.0
16 State Aviation Fund -- Restricted	\$5,879.0	\$6,050.0	\$171.0
17 Transportation/Traffic Safety Funds -- Restricted	\$2,049.0	\$1,979.0	(\$70.0)
18 <b>Total State Revenues</b>	<b>\$32,287.3</b>	<b>\$32,909.9</b>	<b>\$622.6</b>
19 <b>Other Revenues</b>			
20 Transfers from Other State Agencies	\$8,300.0	\$8,300.0	\$0.0
21 <b>Other Revenues</b>	<b>\$8,300.0</b>	<b>\$8,300.0</b>	<b>\$0.0</b>
22 <b>Restricted Fund Balances</b>			
23 State Infrastructure Bank	\$0.0	\$0.0	\$0.0
24 Aviation Fund	\$42.8	\$0.0	(\$42.8)
25 Traffic Safety	\$5.3	\$0.0	(\$5.3)
26 Local Government Road Fund	\$0.0	\$0.0	\$0.0
27 HIF	\$0.0	\$0.0	\$0.0
28 WIPP	\$0.0	\$0.0	\$0.0
29 <b>State Road Fund Balances</b>	<b>\$521.6</b>	<b>\$0.0</b>	<b>(\$521.6)</b>
30 <b>Total Fund Balances</b>	<b>\$569.7</b>	<b>\$0.0</b>	<b>(\$569.7)</b>
31 <b>General Funding Estimates</b>			
32 General Fund	\$0.0	\$0.0	\$0.0
33 <b>Total General Fund</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>
34 <b>Federal Funding Estimates</b>			
35 FHWA Funding	\$0.0	\$0.0	\$0.0
36 National Highway Traffic Safety Administration	\$15,884.1	\$15,884.1	\$0.0
37 Waste Isolation Pilot Plant (WIPP)	\$0.0	\$0.0	\$0.0
38 Federal Transit Administration (FTA)	\$19,342.5	\$19,372.5	\$30.0
39 <b>Total Federal Revenues</b>	<b>\$35,226.6</b>	<b>\$35,256.6</b>	<b>\$30.0</b>
40 <b>Total Revenues</b>	<b>\$76,383.6</b>	<b>\$76,466.5</b>	<b>\$82.9</b>

# **Agenda Item 12c**

## New Mexico Finance Authority (NMFA) Report

# Commission Brief

**SUBJECT: NMFA Report**

**PRESENTER: Mark Lovato, Managing Director of Investments, NMFA**

**BACKGROUND:**

**ACTION: No Action**

*New Mexico Finance Authority report to*  
**State Transportation Commission**

**Agenda for September 15, 2022**

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1. NMDOT Combined Investment Summary ending August 31, 2022
  2. NMDOT/NMFA Debt Service outlook to next Bond Payment Dec 15, 2022  
as of August 31, 2022
- 

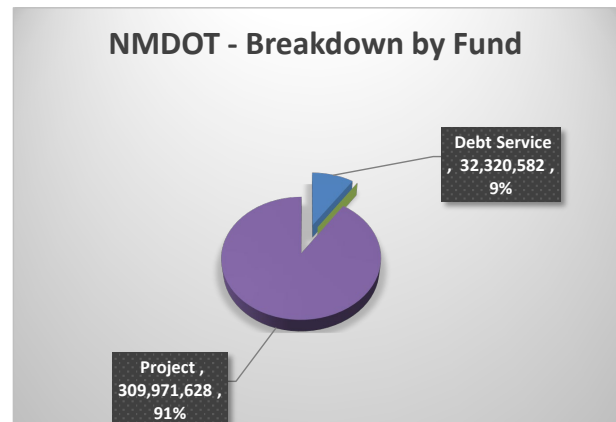
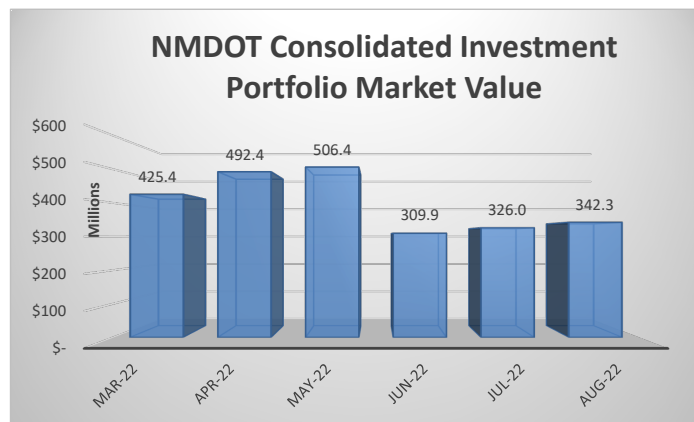


# INVESTMENT OF NM DEPT OF TRANSPORTATION BONDS NMDOT - BOND SERIES PORTFOLIO SUMMARIES

August 31, 2022

NMDOT BOND SERIES DEBT SERVICE - Portfolio Summary							
Bond Series	Beginning Balance	Bond Payment Set Aside Pmt	Interest	Ending Balance	Next Bond DS Pmt 12/15/2022	Final Maturity	Call Date
2014 A Sub	290,664.00	252,613.64	180.25	543,457.89	1,389,375.00	6/15/2032	6/15/2024
2014 B1 Senior	307,344.33	279,000.00	204.61	586,548.94	1,534,500.00	6/15/2027	6/15/2024
2014 B2 Sub	226,068.67	212,318.19	146.23	438,533.09	252,750.00	6/15/2027	6/15/2024
2018 A Sub	9,499,479.20	9,458,727.27	5,821.12	18,964,027.59	10,120,500.00	6/15/2030	6/15/2028
2020 A Senior	4,369,621.21	4,083,113.65	2,838.80	8,455,573.66	1,489,625.00	6/15/2025	
2021 A Sub	1,086,214.79	1,066,363.65	674.76	2,153,253.20	5,865,000.00	6/15/2030	
2022A Senior	665,020.85	513,670.20	496.91	1,179,187.96	1,489,372.22	6/15/2026	
<b>TOTAL</b>	<b>16,444,413.05</b>	<b>15,865,806.60</b>	<b>10,362.68</b>	<b>32,320,582.33</b>	<b>22,141,122.22</b>		

NMDOT BOND SERIES PROJECT/OTHER FUNDS - Portfolio Summary				
Bond Series	Beginning Balance	Draws - Payments	Interest	Ending Balance
2021 A Project	302,858,686.32	-	367,107.13	303,225,793.45
2014 A Project	6,737,667.24	-	8,167.00	6,745,834.24
<b>TOTAL</b>	<b>309,596,353.56</b>	<b>-</b>	<b>375,274.13</b>	<b>309,971,627.69</b>



NMDOT BOND SERIES LINE OF CREDIT - Portfolio Summary					
Line of Credit	Beginning Balance	Draws - Contributions	Commitment Fee	Ending Balance	Agreement Terms
Wells Fargo	50,000,000.00			50,000,000.00	BNSF Line expires 6/30/2025 LOC started July 2013
Payments	-	-	-	-	Used : 1-mo SOFR + .77%    Unused : .19% Commitment Fees Paid \$832,139
<b>TOTAL</b>	<b>50,000,000.00</b>	<b>-</b>	<b>-</b>	<b>50,000,000.00</b>	

## NMDOT/NMFA OUTSTANDING BOND DEBT SERVICE

For Period: 1st half Fiscal Year 2023

Bond Series	Current Amount Outstanding	Final Maturity Date	Principal Debt Service Due 12/15/2022	Interest Debt Service Due 12/15/2022	Total Debt Service Due 12/15/2022	Debt Service held as of 8/31/2022	Shortage / Overage as of 8/31/2022
2014 A Sub	55,575,000	6/15/32		1,389,375	1,389,375	543,458	(845,917)
2014 B-1 Sr	61,380,000	6/15/27		1,534,500	1,534,500	586,549	(947,951)
2014 B-2 Sub	10,110,000	6/15/27		252,750	252,750	438,533	185,783
2018 A Sub	404,820,000	6/15/30		10,120,500	10,120,500	18,964,028	8,843,528
2020 A Sr	59,585,000	6/15/25		1,489,625	1,489,625	8,455,574	6,965,949
2021A Sub	234,600,000	6/15/30		5,865,000	5,865,000	2,153,253	(3,711,747)
2022A Sr	47,240,000	6/15/26		1,489,372	1,489,372	1,179,188	(310,184)
	<b>873,310,000</b>		-	<b>22,141,122</b>	<b>22,141,122</b>	<b>32,320,582</b>	<b>10,179,460</b>
Senior Lien	168,205,000		-	4,513,497	4,513,497		
Subordinate Lien	705,105,000		-	17,627,625	17,627,625		
Total	<b>873,310,000</b>						

# **Agenda Item 13**

Action Item: Request to enter  
into a road transfer agreement  
with the City of Las Cruces  
for NM 188 / NM 185

# Commission Brief

**SUBJECT: Request to enter into a road transfer agreement with the City of Las Cruces for NM 188/NM 185**

**PRESENTER: Trent Doolittle, P.E.**  
**District 1 Engineer**

## **BACKGROUND:**

**On September 30, 2021, the Transportation Commission approved a request for a road transfer agreement between the City of Las Cruces and the New Mexico Department of Transportation, District 1. The transfer involves turning over jurisdiction and maintenance responsibilities for NM 188/NM 185 to the City of Las Cruces. The transferred portion will be from the junction with NM 28 to the city limits.**

**Upon review of the final packet, it was determined that the Road Transfer Agreement document was inadvertently omitted from the packet presented to the Transportation Commission on September 30, 2021.**

**ACTION: Approval of the Road Transfer Agreement.**

## ROAD TRANSFER AGREEMENT

THIS ROAD TRANSFER AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2022, by and between the NEW-MEXICO DEPARTMENT OF TRANSPORTATION ("Department") and CITY OF LAS CRUCES ("City").

WHEREAS, the DEPARTMENT and the CITY desire to implement a comprehensive road and street administration policy in Dona Ana County, and

WHEREAS, the Parties agree that by making an Agreement to better define each party's responsibility for improving and maintaining public roads and streets in the CITY areas, users of the road and street system will experience a higher level of service, and,

WHEREAS, the Parties understand this Agreement is not a road exchange in its design and format presentation, but a designated Road Transfer and will be addressed as such for all administrative and future references, and,

WHEREAS, the Parties agree that certain road and street transfers need to occur to better align the jurisdictional responsibilities of the Parties regarding the public roads and streets in the CITY, and

WHEREAS, the Parties agree the following Road Transfer Agreement shall be monitored and verified as completed by the District I Engineer, and,

WHEREAS, the Parties have the right and power to enter into this Agreement,

NOW, THEREFORE, in consideration of the promises and mutual covenants contained in this Agreement, the DEPARTMENT and CITY agree as follows:

### **1. ROAD SYSTEM TRANSFER:**

1.1 The road and street transfer provided for herein is being undertaken in conformity with State Transportation Commission Policy CP 62.

1.2 The Parties agree that the following road shall be deleted from the State Highway System and State Highway Maintenance System and will be the sole jurisdiction of and title shall vest in the CITY.

1.2.1 The acceptance of the roads NM 185 and NM 188 as described in Section 1.2.2 below, on the CITY Road System and Maintenance System shall be considered and ratified by the State Transportation Commission and verified when required and as completed by the District I Engineer.

1.2.2

**Valley Drive Road Transfer**

All that portion of Existing NMDOT Right-of-Way, as shown on Right-of-Way maps for N.M.P. No. F-001-1(3) from the northernmost Existing Right-of-Way Line of Avenida de Mesilla, northerly to the southernmost Existing Right-of-Way line of U.S. Highway 70 (Picacho Ave.), shown on Existing Right-of-Way maps for N.M.P. No. LC00160 and described as follows:

Beginning at a point on the Westerly Existing Right-of-Way line of Valley Drive, 140.99 feet right of U.S. 70 Survey Centerline Station 104+47.77, from whence, NMDOT Control Point "LC00160-12" (a found 2" Aluminum Cap, PS 14730, 2014) bears S. 19°16'41" E., a distance of 2,163.97 feet, said point being on a curve on the southerly Existing Right-of-Way Line of U.S. Highway 70;

Thence; from said point, N. 74°14'59" E., along Portland Cement Concrete Pavement (PCCP) Line, a distance of 36.80 feet to an angle point on the center of median;

Thence; continuing along said median center, S. 14°58'16" E., a distance of 113.11 feet to an angle point;

Thence; N. 74°14'59" E., along the PCCP line, a distance of 65.52 feet to a point on the easterly Existing Right-of-Way line of Valley Drive, 268.06' right of U.S. 70 Survey Centerline Station 105+23.58, from whence NMDOT Control Point "LC00160-11" (a found 2" Aluminum Cap, PS 14730, 2014) bears S. 16°20'32" E., a distance of 1,065.13 feet.

ALSO:

All that portion of Existing NMDOT Right-of-Way, as shown on Right-of-Way maps for N.M.P. No. FAP-107-A from U.S. Highway 70 (Picacho Ave.) northerly to the Las Cruces City Limits. Beginning at the northernmost Existing Right-of-Way line of U.S. Highway 70, as shown on Existing Right-of-Way maps for N.M.P. No. LC00160 and described as follows:

Beginning at a point on the Westerly Existing Right-of-Way line of Valley Drive, 205.50 feet right of U.S. 70 Survey Centerline Station 105+11.57, from whence, NMDOT Control Point "LC00160-12" (a found 2" Aluminum Cap, PS 14730, 2014) bears S. 18°30'04" E., 2,515.09 feet, point also being on the northerly Existing Right-of-Way Line of U.S. Highway 70;

Thence; from said point, N. 77°16'14" E., along Portland Cement Concrete Pavement (PCCP) Line, a distance of 63.36 feet to an angle point on the center of median;

Thence; continuing along said median center, S. 13°32'44" E., a distance of 25.83 feet to an angle point;

Thence; N. 76°57'12" E., along the PCCP line, a distance of 41.06 feet to a point on the easterly Existing Right-of-Way line of Valley Drive, 158.14 feet left of U.S. 70 Survey Centerline Station 106+08.48, from whence NMDOT Control Point "LC00160-11" (a found 2" Aluminum Cap, PS 14730, 2014) bears S.15°35'57" E., a distance of 1,499.42 feet.

## **2. CONVEYANCE OF TITLE**

The Parties agree that the documents conveying title for all public roads and streets described in Section 1 herein shall be prepared and executed by the appropriate party and delivered to the other party as soon as practical after execution of this Agreement, but no longer than two (2) years from the date of execution of this Agreement. The DEPARTMENT agrees to provide the CITY with any legal description of the right-of-way easements that the DEPARTMENT may have associated with all roads identified in this Agreement within two (2) years from the date of transfer and completion of any condition precedents to the conveyance of title.

## **3. PERIODIC REVIEW OF AGREEMENT:**

The Parties agree that this Agreement shall be reviewed in its entirety bi-annually from the date of execution to determine if any modifications to the Agreement should be negotiated and made.

## **4. LEGALITY AND INVALIDITY OF PROVISIONS**

The Parties agree that in the event any covenant, condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, the validity of any such covenant, condition or provision shall not affect the balance of this Agreement.

## **5. GOVERNMENTAL INTENT:**

The Parties agree that this Agreement expresses the intent of the government entities hereto; however, this Agreement shall not bind or contract away the discretion of the governmental entities, nor shall this Agreement prohibit the entities from acting within the public interest contrary to terms of this Agreement and in said event, the parties shall have the right to renegotiate the terms of this Agreement.

## **6. THIRD PARTY BENEFICIARY CLAUSE:**

This Road Transfer Agreement is not intended by any of the provisions of any part of the Road Transfer Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Road Transfer Agreement to maintain a suit for wrongful death, bodily and personal injury to person, damage to property, or any other claim(s) whatsoever pursuant to the provisions of this Road Transfer Agreement.

**7. NEW MEXICO TORT CLAIMS ACT:**

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Road Transfer Agreement. Any liability incurred in connection with this Road Transfer Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, et seq., NMSA 1978, as amended. This paragraph is intended only to define the liabilities between the Parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

By entering into this Road Transfer Agreement, DEPARTMENT and the CITY, and their "employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Road Transfer Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

**8. TITLE VI COMPLIANCE:**

The DEPARTMENT and CITY shall comply with all federal, state and local laws and ordinances applicable to the work called for herein. The DEPARTMENT and CITY further agree to operate under and be controlled by the Civil Rights Act of 1964, Title VI, and Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375, and as supplemented by the Department of Labor regulations (41 CFR Part 60). Accordingly, 49 CFR through Part 21 is applicable to this Agreement.

**9. EQUAL OPPORTUNITY COMPLIANCE:**

The DEPARTMENT and CITY agree to abide by all Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the DEPARTMENT and CITY agree to assure that no person in the United States shall, on the grounds of race, color, religion, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this contract. If the DEPARTMENT or CITY are found to be not in compliance with these requirements during the life of this Agreement, the DEPARTMENT or CITY agree to take appropriate steps to correct these deficiencies.

**10. AMENDMENTS:**

The Parties agree that any and all amendments to this Agreement, in order to be valid, must be in writing and must be executed by the parties.

IN WITNESS WHEREOF the parties have set their hands and seals the day and year first written above.

**NEW MEXICO DEPARTMENT  
OF TRANSPORTION**

By: \_\_\_\_\_  
Cabinet Secretary or Designee

Date: \_\_\_\_\_

**NEW MEXICO DEPARTMENT  
OF TRANSPORTION**

By: Trent Daulton  
District One Engineer or Designee

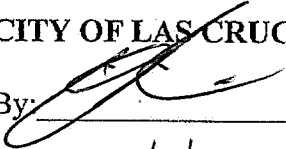
Date: 8-30-22

Approved as to form and legal sufficiency by  
The Department's Office of General Counsel

By: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF LAS CRUCES**

By: 

Date: 4/7/2022

Approved as to form and legal sufficiency by  
City of Las Cruces Attorney's Office

By: Jennifer Vega, City Atty.

Date: 5/29/22

Approved:

State Transportation Commission

By: \_\_\_\_\_  
Chairman of State Transportation Commission

Date: \_\_\_\_\_



## **INTRA-DEPARTMENTAL CORRESPONDENCE**

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**SUBJECT:** Request for Road Transfer Agreement-NM 188 & NM 185 (Valley Drive) within Las Cruces City Limits  
Dona Ana County-District One

**DATE:** March 31, 2017

**TO:** Clyde Archibeque, Property Assets Management

**FROM:** Harold A. Love, D1 Engineering Support Manager

The District One office request to enter into a road transfer agreement with the City of Las Cruces, NM (see attached MOU).

The transfer involves turning over jurisdictional and maintainance responsibilities for NM 188/NM 185 (Valley Drive) over to the City of Las Cruces, from junction with NM 28 to city limits.

Listed below is a summary of items that need to be addressed in conjunction with our request.

- 1. Is the proposed action safe for the traveling public and including bike and pedestrians?**

**Response:** Yes. With the completion of Project LC00160, the corridor will have adequate bike and pedestrian facilities.

- 2. Will the proposed action interfere with maintenance operations?**

**Response:** No. The proposed road transfer will reduce the lane miles that needs to be maintained by District staff.

- 3. Will the proposed action interfere, add to, or subtract from maintenance operations?**

**Response:** It will subtract from overall area of maintenance responsibility.

- 4. Is there any possibility of a transportation use in the future?**

**Response:** Roadway will be removed from the NMDOT inventory.

- 5. Are we creating a potential 4-f situation for future use by the NMDOT for transportation purposes?**

**Response:** Parks and 4-f properties will be addressed with Project LC00160.

- 6. Does the action causes drainage concerns or issues?**

Response: None. Drainage issues will be addressed with Project LC00160.

**7. Does the action cause access concerns or issues?**

Reponse: Current access issues will be address with Project LC00160. Future access issues will be the responsibility of the City.

**8. Are there positive or political implications with the action?**

Response: See attached MOU between NMDOT and City of Las Cruces.

The District has reviewed the request and feels there are no adverse impacts to the state system as a result of approving the request.

If you have any questions you may contact me at the District One office.

Concurrence: Trent Daulton  
District One Engineer

3-31-17  
Date

## Valley Drive

Write a description for your map.



EXHIBIT "A"

Contract Number \_\_\_\_\_

Vendor Number \_\_\_\_\_

Control Number \_\_\_\_\_

MEMORANDUM OF AGREEMENT

Between The

NEW MEXICO DEPARTMENT OF TRANSPORTATION

And The

CITY OF LAS CRUCES

VALLEY DRIVE FROM AVENIDA DE MESILLA TO PICACHO AVENUE

AND

AVENIDA DE MESILLA FROM VALLEY DRIVE TO HICKORY DRIVE  
RECONSTRUCTION PROJECT

PROJECT/CONTROL NO. LC00160

This MEMORANDUM OF AGREEMENT ("MOA" or "Agreement") is made and entered into as of the date of the last signature affixed below by and between the NEW MEXICO DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "NMDOT" or "DEPARTMENT" acting through its Secretary, and the CITY OF LAS CRUCES, herein the "CITY", pursuant to the NMSA 1978, Section 67-3-28, as amended, and all entities are collectively hereinafter referred to as the "PARTIES".

RECITALS

Whereas, the DEPARTMENT and the CITY agree to negotiate a Road Transfer Agreement that will grant ownership of NM 188 (Valley Drive) from Avenida de Mesilla to US 70 (Picacho Avenue and NM 185 (Valley Drive) from US 70 (Picacho Avenue) to the northern city limits to the CITY. The Road Transfer Agreement will not include the right-of-way of US 70 (Picacho Avenue) at the intersection of NM 188 (Valley Drive) and NM 185 (Valley Drive) nor the signal system. Reference is made to Figure 1 - LC00160 - Valley Drive /US 70 (Picacho Ave. Limits of Road Jurisdiction. Final limits will be defined in a subsequent Road Transfer Agreement which will reference this document.

Whereas, the DEPARTMENT and the CITY agree that there is reoccurring congestion along NM LC00160 Valley Dr. from Avenida de Mesilla to Picacho Negotiation of Road Transfer Agreement.

188 (Valley Dr.), no driveway access control, deteriorating pavement, and no drainage accommodations.

Whereas, the DEPARTMENT agrees to fund the construction of the project, and that the funded project limits are on NM 188 (Valley Drive) from mile marker 1.4 to Mile marker 3.0 (From Avenida de Mesilla to US 70 (Picacho Ave.)) and on Avenida de Mesilla from NM 188 (Valley Drive) to Hickory Drive.

Whereas, the DEPARTMENT and the CITY agree that the proposed drainage improvements will benefit the NMDOT's drainage improvements and benefit the CITY'S long range drainage system as it would allow the CITY to connect drainage from surrounding streets to the proposed storm drain along Valley Dr.

Whereas, the NMDOT and the CITY agree that utilizing existing CITY drainage facilities will be a mutual benefit to both parties, in lieu of on-site ponding.

Whereas, the NMDOT and the CITY will incorporate the intent of the Amador Proximo into the design and construction of Valley Drive from Hadley Avenue to Amador Avenue.

Whereas, the DEPARTMENT and the CITY, have already begun coordinating on the final design base alternative for Valley Drive and Avenida de Mesilla from Valley Drive to Hickory Drive.

**NOW THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES AND REPRESENTATIONS IN THIS MOA, THE PARTIES AGREE AS FOLLOWS:**

**SECTION ONE – PURPOSE OF MOA:**

The purpose of this MOA is to negotiate a Road Transfer Agreement for LC00160 NM 185 and 188 (Valley Drive) within the City Limits of Las Cruces from Avenida de Mesilla to US 70 (Picacho Avenue) and NM 185 (Valley Drive) from US 70 (Picacho Avenue) to the northern city limits to the CITY. The Road Transfer will not include the right-of-way of US 70 (Picacho Avenue) at the intersection of NM 188 (Valley Drive) and NM 185 (Valley Drive) including the signal system. The negotiation will include agreement with the base alternative, design of plans, written specifications, final estimate, responsible funding agencies, final bid package, construction operations, and final acceptance of the final completion of LC00160.

**SECTION TWO – DEPARTMENT SHALL:**

- 1) Program the PROJECT funding within the Las Cruces Metropolitan Planning Organization's (LCMPO) Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP).
- 2) Be the lead agency for the design and construction phases of the PROJECT.
- 3) Provide PROJECT funding for the project.

- 4) Appoint a Project Development Engineer that will oversee the development of the PROJECT.
- 5) Appoint a construction project manager to oversee the construction of the PROJECT.
- 6) Obtain the environmental clearance for the PROJECT.
- 7) Obtain the required right-of-way (R/W) and easements for the PROJECT.
- 8) Obtain all other necessary certifications required to for the PROJECT to be eligible for federal funding
- 9) Prepare the plans, project specification, project estimate, and final bid documents for the PROJECT.
- 10) Ensure that the PROJECT is designed and constructed to DEPARTMENT and CITY Standards and Specifications.
- 11) Advertise, award, act as fiscal agent, and provide the construction management for the PROJECT.
- 12) Provide the CITY with a copy of the final as-built plans and right of way maps for the PROJECT.
- 13) Develop a road transfer agreement.
- 14) Include the CITY in any and all value engineering meetings as this project progresses toward a final design of the PROJECT.
- 15) Include the CITY in any and all Construction field notices and change orders that modify the original (final) design of the PROJECT.
- 16) Allow the CITY to make routine inspections to verify that the PROJECT is constructed to specifications.
- 17) Allow the City to review all testing reports when requested.

### SECTION THREE – CITY SHALL:

- 1) Designate and acknowledge the DEPARTMENT as the lead agency for the PROJECT.
- 2) Provide a representative that will act as the liaison for the CITY on the PROJECT during the design and construction phases of the PROJECT.
- 3) Review any and all design changes and change orders, etc., developed for the PROJECT.
- 4) Review, approve, and comment and meet to agree on the scope of work and any and all plan design submittal documentation at all design milestones.
- 5) Provide a Project Manager and an Inspector for City utility installations on the PROJECT.

- 6) Provide funding for the design and construction of City owned utilities which include water, natural gas, and sanitary sewer.

#### **SECTION FOUR – STATE GENERAL APPROPRIATION FUNDS NOT TO BE OBLIGATED:**

Nothing herein shall be construed as obligating State or City general appropriation funds for payment of any debt or liability of any nature arising under this MOA. The PARTIES expressly recognize that each Party shall make a good faith effort to put in place appropriate arrangements for any necessary funding that may be necessary for the maintenance responsibilities undertaken by the respective PARTIES.

#### **SECTION FIVE – APPROPRIATIONS AND AUTHORIZATIONS:**

The terms of this MOA are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, the City of Las Cruces, or the Congress of the United States if federal funds are involved for performance of this MOA. If sufficient appropriations and authorizations are not made by the Legislature, CITY, or the Congress of the United States, if federal funds are involved, this MOA shall terminate upon written notice given by the PARTIES. The PARTIES are expressly not committed to the expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the respective PARTIES.

#### **SECTION SIX – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:**

All PARTIES shall strictly account for all receipts and disbursements relating to this MOA. Each Party shall maintain all records and documents relative to the expenditures incurred pursuant to this MOA for a minimum of six (6) years after incurring such expenses. The PARTIES shall furnish the State Auditor or City Auditor, upon request, all records relevant to this MOA and allow them the right to audit all records related to this MOA.

#### **SECTION SEVEN – RECORDS AND AUDIT:**

The PARTIES agree to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at their respective offices at all reasonable times during the MOA period and for six (6) years from the date of incurring such expenses under the MOA for inspection by the PARTIES.

#### **SECTION EIGHT – PRINCIPAL CONTACTS:**

The principal contacts for this MOA are:

CITY of LAS CRUCES: Loretta M. Reyes, P.E.  
NMDOT: Trent Doolittle, P.E.

**SECTION NINE – COMPLIANCE WITH LAWS, RULES AND REGULATIONS:**

The PARTIES shall comply with all applicable Federal, State and local laws, ordinances, rules, warranties, assurances, and regulations applicable to the performance of this MOA and the work hereunder.

**SECTION TEN – CONSENT TO JURISDICTION AND VENUE:**

The PARTIES hereby consent to and agree to exclusive jurisdiction of the Courts of the State of New Mexico for resolution of any disputes arising under or resulting from this MOA that cannot be resolved informally and each Party waives any objection to the personal jurisdiction of the Courts of the State of New Mexico over the Party. It is expressly understood and recognized by the PARTIES hereto that venue for litigation of issue, claims, or all other judicial matters arising or resulting from this MOA shall be in the Santa Fe County District Court.

**SECTION ELEVEN – EQUAL OPPORTUNITY COMPLIANCE:**

The PARTIES agree to abide by the federal, state, and local laws, rules and regulations and executive orders of the Governor of the State of New Mexico, pertaining to equal opportunity. In accordance therewith, the PARTIES agree to assure that no person in the United States shall, on the grounds of race, color, religion, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied benefits of or be otherwise subjected to discrimination under, any program or activity performed under this MOA. If the Party is found to be non-compliant with these requirements during the terms of this MOA, the PARTIES agree to take appropriate steps to correct these deficiencies.

**SECTION TWELVE – CIVIL RIGHTS LAWS AND REGULATIONS COMPLIANCE:**

The PARTIES shall comply with all federal, state, and local laws and ordinances applicable to the work called for herein. The PARTIES further agree to operate under and be controlled by Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Employment Act, the Americans with Disabilities Act of 1990, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, the New Mexico Human Rights Act, and Executive Order No. 11375, and as supplemented by the Department of Labor Regulations (41 CFR Part 60). Accordingly, 49 Code of Federal Regulations (CFR) Part 21 is applicable to this MOA and incorporated herein by reference.

**SECTION THIRTEEN – DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND POLICY:**

In accordance with Title 49 CFR Part 26 (49 CFR 26) or as it may be amended, the PARTIES agree to abide by and to take all necessary and reasonable steps to comply with the following:

- (A) **DBE Policy:** It is the policy of the DEPARTMENT to implement the provisions of 49 CFR 26, other pertinent regulations, and source legislation. The objectives are:

1. To ensure nondiscrimination in the award and administration of United States Department of Transportation (DOT) assisted contracts in the DOT's highway, transit, and airport financial assistant program;
2. To create a level playing field on which DBEs can fairly compete for DOT assisted contracts;
3. To ensure that DOT's DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet the eligibility standards specified in 49 CFR 26 are permitted to participate as DBEs;
5. To help remove barriers to participation of DBE's in DOT-assisted contracts; and
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

(B) **DBE Obligations:** The DEPARTMENT will establish the state DBE goal on an annual basis. The approved FY2012 state DBE goal is established at 9.69% for all federally assisted projects.

1. Means of Attaining the State Goal: The DEPARTMENT will meet the state DBE goal on federally assisted projects through race neutral measures. There will be no individual project goals on federally assisted projects unless an analysis of DBE utilization indicates that the goal falls substantially short of the annual goal and that good faith efforts have not been fulfilled. In the event that the DEPARTMENT adopts race conscious measures to attain the state DBE goal; NMGSD shall be required to implement the individual project goal established by the DEPARTMENT.
2. Record Keeping Responsibilities: the PARTIES are responsible to assure that its DBE Program to the DEPARTMENT's project manager or to the DEPARTMENT's Office of Equal Opportunity Program Bureau (OEOPB) at the following address:

New Mexico Department of Transportation  
 OEOPB  
 Aspen Plaza, Suite 107  
 1596 Pacheco Street  
 Santa Fe, New Mexico 87505  
 505-827-1774

(C) **DEPARTMENT's DBE Program:** The DEPARTMENT's DBE Program, 18 NMAC 28.2 as required by 49 CFR 26 and as approved by the NMDOT, is incorporated herein by reference and made part of this MOA. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this MOA. Upon notification to PCD/GSD of its failure to carry out the terms and conditions of the DBE Program, the DEPARTMENT may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

(D) **Recipient/Contractor Assurances:** Each subcontract which a party enters into with a construction contractor, design consultant, other consultant or recipient on a DOT-assisted project shall ensure that such subcontract includes the following assurance:

1. Recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or administration of its DBE Program or the requirements of 49 CFR 26. The DEPARTMENT shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and the administration of DOT-assisted. The DEPARTMENT's DBE Program, as required by 49 CFR 26 and as approved by DOT, incorporated herein by reference and made part of this MOA. Failure to implement this program is a violation of this MOA. Upon notification to the recipient of its failure to carry out its approved program, the DOT may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).
2. Each Party shall not discriminate on the basis of race, color, religion, national origin or sex in the award and performance of this contract. The recipient shall carry out applicable requirements of 49 CFR 26 in the award and administration of DOT-assisted contracts. Failure by the recipient to carry out these requirements is a material breach of this MOA, which may result in the termination of this MOA or such other remedy, as the DEPARTMENT deems appropriate.

#### **SECTION FOURTEEN – NEW MEXICO TORT CLAIMS ACT:**

No provision of this MOA establishes any waiver of immunity for alleged tortious conduct of any employee of any Party arising from the performance of this MOA apart from that set forth in the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq.

#### **SECTION FIFTEEN – THIRD PARTY BENEFICIARY CLAUSE:**

It is specifically agreed between the PARTIES executing this MOA that it is not intended by any of the provisions of any part of the MOA to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the MOA to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this MOA.

#### **SECTION SIXTEEN – APPLICABLE LAW:**

The Laws of the State of New Mexico shall govern this MOA.

#### **SECTION SEVENTEEN - SEVERABILITY:**

In the event that any portion of this MOA is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this MOA shall remain in full force and effect.

#### **SECTION EIGHTEEN – SCOPE OF THE MOA:**

This MOA incorporates all the Agreements, covenants, and understandings between the PARTIES hereto concerning the subject matter hereof, and all such covenants, Agreements, and understandings have been merged into this written MOA. No prior Agreements or understandings, verbal or otherwise of the Parties or their agents shall become valid or enforceable unless embodied in this MOA.

#### **SECTION NINETEEN – EFFECTIVE DATE AND TERM:**

This MOA shall be effective on the date of the last signature of the PARTIES and shall terminate upon the completion and acceptance of the PROJECT by the PARTIES, unless and until the parties mutually terminate this Agreement.

Either Party may terminate the MOA for cause based upon any material breach of this MOA by the other Party, provided that the non-breaching Party shall give the breaching Party written notice specifying the breach and shall afford the breaching party a reasonable opportunity to correct the breach. If within thirty (30) days after receipt of a written notice, the breaching Party has not corrected the breach or, in the case of breach which cannot be corrected in thirty (30) days, the breaching Party has not begun and proceeded in good faith to correct the breach, the non-breaching Party may declare the breaching Party in default and terminate the MOA effectively immediately. The non-breaching Party shall retain any and all other remedies available to it under law.

#### **SECTION TWENTY – AMENDMENT:**

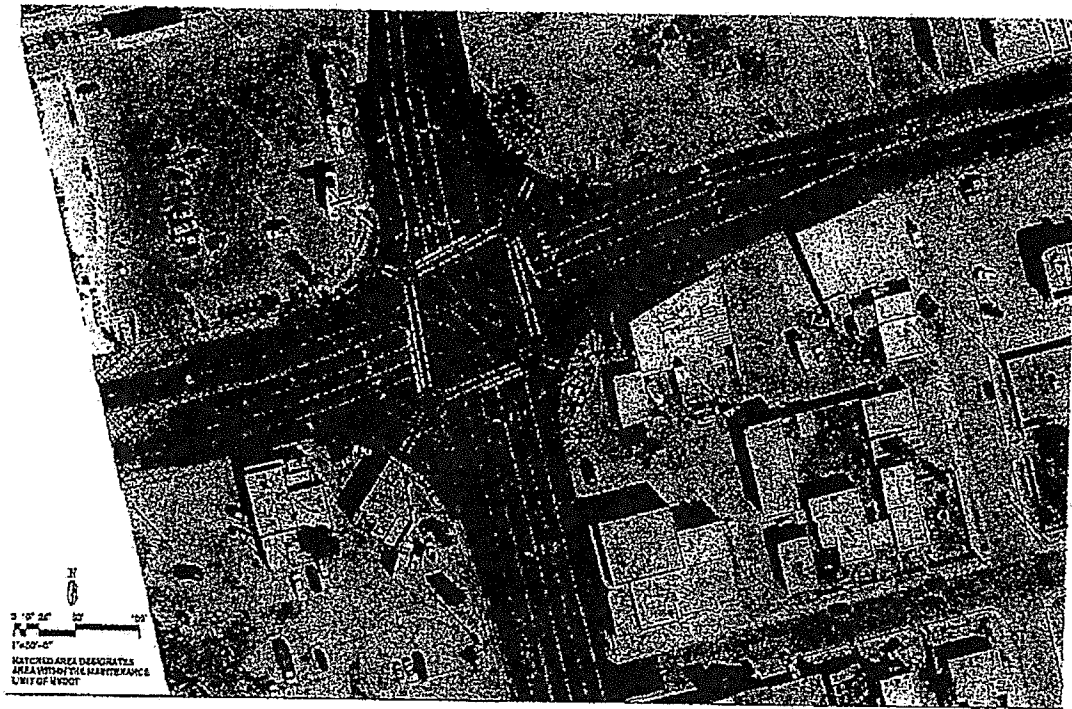
This MOA shall not be altered, changed or amended except by an instrument in writing and executed by the PARTIES hereto.

#### **SECTION TWENTY-ONE — FORCE MAJEURE:**

Notwithstanding anything contained in this MOA to the contrary, the Agreement may be terminated without liability to any Party if substantial performance of a Party's obligations is prevented by any cause reasonably beyond the control of the terminating party. Such causes include, but are not limited to: acts of God; acts, regulations, or orders of Congressional Authorities of the United States, acts of war declared or undeclared; acts of terrorism or other violence, or other emergency making it impossible, illegal, or otherwise inadvisable to hold either party to this Agreement. In the event of termination of this Agreement, the DEPARTMENT and the CITY shall renegotiate within ten (10) days of the termination notice.

**Figure 1. – LC00160 – Valley Drive/US 70 (Picacho Ave.) Limits of Road Jurisdiction**

LC00160 Valley Dr. from Avenida de Mesilla to Picacho Negotiation of Road Transfer Agreement.



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LC00160 Valley Dr. from Avenida de Mesilla to Picacho Negotiation of Road Transfer Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates indicated below:

**NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)**

By:   
Tom Church, Cabinet Secretary

Date: 2/2/17

**APPROVED FOR LEGAL FORM AND SUFFICIENCY:**

By:   
Assistant General Counsel

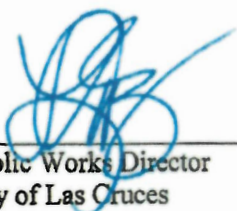
Date: February 1, 2017

**CITY OF LAS CRUCES**

**Recommended By:**


By:   
City Manager  
City of Las Cruces

Date: 11/7/16

By:   
Public Works Director  
City of Las Cruces

Date: 11/7/16

**APPROVED FOR LEGAL FORM AND SUFFICIENCY:**

By:   
City Attorney

Date: 7 Nov 2016